THE NATION

OCTOBER 1, 1960 . . 25c

New Doubt on the Hiss Case

THE ADDED WITNESS

George T. Altman

★★★★★★★★★★★★★

Memos to Voters:

THE SOUTH DOESN'T COUNT

William G. Andrews

DON'T BANK on the POLLS

Jack Orr

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LETTERS

The Party of Hope

Dear Sirs: Your hands-off attitude on the coming Presidential election is most disappointing and demonstrates an overprecious, ivory-tower outlook which I consider irresponsible in a magazine representing a large segment of intellectual America. What you seem to be saying, in the frivolous letters and neurotic articles you print, is: "Stevenson wasn't nominated, therefore why should we even bother to vote." (I find that people who are for Nixon, even for negative reasons, nevertheless will go to the polls and cast a vote.) Some very superior thinkers in this country have realized that Kennedy is good Presidential material. It is time for the kind of people who read *The Nation* to start believing in their nation and to give their full-hearted support to the only party (and this includes such people as Stevenson, Chester Bowles, Galbraith, etc.) that holds out real hope for our future development.

MARIAN KARCZMER

New York City

Advice for Sen. Kennedy

Dear Sirs: The dismaying thing about Senator Kennedy's handling of "the religious issue" is that he obviously views it on the intellectual level of a problem in "sportsmanship." . . . Since he cannot seem to comprehend that the issue is not whether he will be dominated by his church, but whether a lifetime of training by that church will influence his thinking on issues on which some of us might think differently — issues in which all of us are vitally concerned — I believe he'd better drop the subject. . . . The one way he can trim the issue down to size is to give us overriding reasons for preferring him to the other candidate — which should not be difficult, if he's fit for the job.

HELEN BUGBEE

Chicago, Ill.

A Sane Road

Dear Sirs: I was greatly impressed by Stanley Millet's article, "A Road to Peace," in your Sept. 10 issue. Mr. Millet's arguments seem eminently sane and offer, in my humble opinion, a *modus vivendi* to both contending world powers. As C. Wright Mills argued in his enlightening book, *The Causes of World War III*: "To urge that a Soviet proposal be taken seriously and acted upon, even in a tentative way, is to run the risk of being labeled 'soft on communism' and all the rest of it. But must we not ask: Were we to take such charges seriously . . . would it be possible to propose *anything* that might lift us out of the military metaphysic and the paranoid trap . . . ?"

JOHN J. A[illegible]

Dayton, O.

New Standard

Dear Sirs: Hans Meyerhoff makes some excellent points in "The Case of the Missing Purpose" [August 20 issue]. Common sense, philosophy and religion have continually emphasized that there is no necessary connection between material wealth and inward contentment. . . . Too often the only ideal that America presents to the "developing" countries is one of material wealth, and they see success in terms of our Hollywood version of American life. Yet it is utterly impossible, at least as the world's resources stand now, for every person in the world to have anything like the American standard of living. What we need is a new "standard" which is realistic in world terms and gives all people a decent life — rather than an American "standard."

Our politicians are beginning to talk about the need for us to "sacrifice" some of our material comfort in order to meet the demands of increased spending for weapons of total destruction. This can only result in total failure. The ideal of disinterested service, of giving constructive help to others so they can help themselves, is the way to both brotherhood and peace. What else is the truth of history?

ROBERT STOWELL

Cabot, Vt.

The Unknown Strike

Dear Sirs: For almost two years, the workers in Henderson, North Carolina, have been on strike against the Harriet-Henderson Mills. During that time violence has flared. The union, The National Textile Workers Union of America, has invested over $300,000 in supporting the strike. Eight men have been sentenced to hard labor for allegedly conspiring with a state-hired agent provocateur to dynamite company property.

Yet the strikers have an honest grievance. The company wants them to sign a union contract minus the arbitration clause. This would, of course, reduce the union to simple nominal status. The organized men would have no teeth to rectify their grievances. The strike comes at a time when profits are high.

Today the community of Henderson is desolate. The 1,100 workers have suffered as much as men anywhere have. But their plight is greeted by boredom. National interest was limited to a few photographs of street fighting.

This is no way for workingmen to hold on to their gains.

HARRY GOLDEN

Charlotte, N. C.

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NEW YORK, SATURDAY, OCTOBER 1, 1960
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THE NATION

EDITORIALS

Act First, Act Fast, Act Tough

The Nation once referred to Vice President Nixon as an opportunist who works both sides of the street. Nomination for the Presidency may have refined his techniques; it can hardly be expected to change his character. Those who agree with this evaluation would rather vote for Senator Kennedy, naturally. But, with October in the offing, Mr. Kennedy has given progressives, liberals and intelligent Americans of whatever persuasion precious little reason to vote for him.

The Senator appears to be waging a campaign based on the principles of market research and the standardized fustian which speech writers concoct for their clients every leap year. In his first speech on TV, which was said to have "laid bare the heart of his campaign," he was applauded eighteen times by the 1,300 guests who had paid $100 a plate to applaud him, but most of the outside audience must have been bored stiff. What he had to say fell into two main categories. The first, on the issues of preparation for war, constituted an acceptance of the Eisenhower-Nixon policies and a promise to intensify them. In effect, Kennedy said that the devil theory of communism is a sound one and the policies based on it are the only ones conceivable, but their implementation has been too little and too late. The next President's term must begin with a message to the Congress requesting the necessary funds and authority to make the United States first in nuclear capacity, first in conventional forces, and invulnerable to surprise attack. If Mr. Kennedy is that President, he promises to act first, act fast, and act tough. He will, that is to say, bring us to disaster all the sooner.

On the domestic front, the next President must, in the first three months of his office, send to the Congress messages "that will deal with wiping out poverty here in the United States" through effective policies of full employment, a higher minimum wage, better social security and jobless pay, more slum clearance, aid to depressed areas, more help to marginal farmers, and other resurrectional measures. But two obstacles lie athwart the promised course to the new society. One is that the coalition of Southern Bourbons and Republicans who will rule the next Congress, as they ruled the last one, have not the slightest intention of dispensing any such bounty. The other difficulty, which even more sharply points up the difference between campaign promises and performance in office, is that the system of preparation for nuclear war which Mr. Kennedy so ardently espouses leaves no money to effectuate social welfare measures, either at home or abroad. No doubt the added revenue could be raised, but increased defense spending provides Congress with a handy reason for not upping welfare appropriations.

Only one candidate can be elected. To be defeated in a good cause is no disgrace. But to be defeated without having offered an alternative program is to have campaigned in vain.

Shenanigans: Official and Unofficial

A continuation or repetition of the unofficial shenanigans that have marked the opening of this session of the United Nations is certain to lead to a demand for removal of U.N. headquarters to some less "exposed," Geneva-like spot. It is obvious that the world cannot discuss its heavy and delicate problems in an atmosphere of billingsgate and buffoonery such as prevailed in New York during the last fortnight. There is also the terrible hazard that the blowing off of bad manners, the confusion attendant upon mob defamation of character, may set the situation for a really tragic event.

The decision to seat the U.N. in New York came after long discussion; there were valid arguments on both sides, and hindsight may suggest that it could have been more happily accommodated elsewhere — though the fate of international bodies housed in the Switzerlands of the world does not indicate that tucking the U.N. away into some imperturbable corner would have been the best arrangement. But the U.N. is here and any attempt now to move it would be undesirable. It would inevitably imply that the world congress of nations, far from being an organization for

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peace and cooperation, is a focal point of animosity and recrimination. It would seem that one of the two most powerful nations in the U.N. was washing its hands of an organization it had been so influential in creating. The United Nations will succeed by prestige; any suggestion that housing it is a problem too "hot" for the United States to handle would be a deadly blow to that prestige.

And a move is not necessary. We do not have to accede to the spectacle of hate parades, curbside diplomacy or *entente cordiale* embraces on the sidewalks of New York. It is superficial to say that America is a free society, that crowds will therefore collect and that foreign heads of state will perform for them. Crowds of the sort that greeted Nikita Khruschchev and Fidel Castro do not gather spontaneously; they are organized to bleat their pointless slogans, to throw themselves in mock heroism against the cordons of the police. And they are organized by people who sense that the situation is "right." On this occasion, the United States Government must take the blame for setting that tone. From the first moments when Khrushchev, Castro, Tito, Nasser, Nehru, Trujillo and the other heads of state announced their intention of attending this session of the U.N., Washington has preoccupied itself with defining just what degree of "welcome" each prominent "guest" would receive, whose hand he would be privileged to shake, what limits should be placed on his freedom of movement. But these men are not guests, welcome is irrelevant; the only function of the United States, and particularly the City of New York, is to provide an impersonal facility.

President Eisenhower eventually made that clear in a statement calling upon the people to maintain their dignity, go about their business and keep their opinions to themselves. By then, however, the fools' carnival was in motion and the placard-waving, hooting and general shoving could not be called off. We provided a field day for our enemies and a source of embarrassment for our friends. If, from the start, the President and his associates had made it clear that we would send such delegates to the U.N. as seemed to us best, and that the representation sent by other countries was not a matter of our concern — except on the floor of the U.N. — the yahoos would never have been organized, and Messrs. K. and C. would never have had a chance to go into their favorite acts.

Presidential Republicans

On each occasion when their privileged status as a dissident, treacherous minority has been challenged, the Dixiecrats have loudly threatened to secede from the Democratic Party. Today, as yesterday, the threat is a hollow one (see article page 195), but in the past the Dixiecrats have used it to excellent advantage. This year, however, they dare not even threaten to bolt. For one thing, the Dixiecrats never had more at stake in the form of committee chairmanships and seniority privileges; their power has increased as the Democratic majority in Congress has grown. A bolt would endanger these privileges. On the other hand, if the Dixiecrats were to become card-carrying Republicans, a genuine two-party system would rapidly emerge at all levels in the South and this, in turn, would threaten the ancient local monopoly which the Dixiecrats enjoy in the heart of Dixie as the party of white supremacy. As part of the normal struggle for power, one party or the other—or a faction within one party—would sooner or later make a bid for the Negro vote. This, of course, would never do.

Caught in this dilemma, the Dixiecrats have opted for the one remaining alternative, that is, they have become "Presidential Republicans." President Eisenhower's popularity made it easy for the pattern to be initiated in 1952 and 1956; and, in any case, it merely represents a logical extension of the Republican-Dixiecrat coalition in Congress which dates from 1938. By voting every four years for the Republican nominees for President and Vice President, without formally repudiating the Democratic nominees, the Dixiecrats are able to enjoy the best of two worlds. Such a tactic leaves their local political monopoly intact and saves them the embarrassment of adopting the Republican label. At the same time, it permits them to retain their choice chairmanships and seniority privileges. It matters not that the Republican nominee may be a strong advocate of civil rights. He must still deal with the Dixiecrats in Congress—that is, until the Republicans can muster a majority.

The new tactic will not work indefinitely, but it may preserve the power of the Dixiecrats for some time to come; just how long will depend upon the Democratic Party itself. Last week the Texas Dixiecrats tore up the platform which the Democratic Party had adopted at Los Angeles and substituted one more to their liking. The Democratic Party cannot afford to ignore such provocation. Nowadays voters are well aware of the fact that the Republican-Dixiecrat coalition threatens to make a mockery of representative government; the late disastrous "rump" session of Congress drove the point home. But Republicans cannot be held responsible for this state of affairs; it is expected that they will exploit any weakness in the opposition. In seeking to hold a South it doesn't need, the Democratic Party has made it possible for the Dixiecrats to betray its nominees and its platforms. As the average voter sees it, the Democratic Party must be held responsible for the behavior of those elected under its auspices whether they come from the South or the North, the East or the West.

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Fanning the Flames

In urging member states of the United Nations to join with us in a pledge of non-intervention in the affairs of African states, President Eisenhower was at some pains to spell out various forms of intervention such as propaganda, incitation, force, subversion, etc. On its face, the proposal will no doubt appeal to African representatives, but the plea was not reinforced by a statement issued by Senator George Smathers in Washington on the same day. Mr. Smathers is, of course, one of the Senate's chief spokesmen on Latin American issues. His statement was a plea to the Administration to "fan the flames of anti-Castro revolt within Cuba" by withdrawing our Ambassador, curbing shipments of machinery and equipment, stepping up the radio offensive against the Castro regime, and so on. Coupled with the Smathers statement was a U.P.I. news dispatch from Havana to the effect that anti-Castro guerrilla fighters have recently stepped up their shooting war against the Castro regime. "Clashes between guerrilla and governmental forces, to quote from the story, "were reported from central Las Villas Province to western Pinar del Rio."

The news dispatch will, of course, lend weight to Smathers' statement in the eyes of most Cubans. As they see it, the Senator is clearly urging adoption of a program which would buttress and supplement the campaign of guerrilla fighters to overthrow the regime. Under the President's specification, Senator Smathers is advocating policies which we stand pledged to oppose in Africa. And the Cubans may well assume that Senator Smathers reflects official policy or, at the very least, that he is testing American opinion on behalf of such a policy. Against the background of American intervention in Guatemala — recent enough in point of time to be a vivid recollection for some Latin Americans — the Cubans would be careless, indeed, if they did not take the Smathers statement as foreshadowing active, if indirect, American intervention. And also, in view of the statement, a question may well arise in the minds of many U.N. delegates as to the effect of the pledge which the President proposed in his speech. Is the pledge of non-intervention restricted to the continent of Africa? Or does it apply in this hemisphere as well? The President is not responsible for what Senator Smathers proposes, nor does the Senator articulate American policy; all the same, his statement is ill-timed, ill-advised, and should be immediately and strongly repudiated.

Personal Foul

Last week Vice President Nixon, who has been stressing his maturity, managed to sound sophomoric; he was also guilty of a personal foul — his first of the campaign. Listening to him rattle off superlatives in Fort Wayne, one might have thought that ours was a country without fault or blemish; we have "the finest economy," "the best life," "the greatest productivity," "the strongest military power," etc. In this boastful ranting, the Vice President did not praise American achievement, he demeaned it. For all the world, he managed to sound as though he were the cheer leader for Whittier High on the eve of the big game with the Anaheim eleven. But at Fort Wayne, the Vice President was guilty of more than a lapse in good sense and good taste. It was the old Nixon who pointed out that a Chinese Communist newspaper had "made hay" of Senator Kennedy's comment that "17,000,000 Americans go to bed hungry every night," and suggested that criticism of Administration policies is somehow unpatriotic as long as Mr. Khrushchev is in this country. We do not agree with Senator Kennedy's urgent plea for increased arms spending and, frankly, we do not know how he knows that 17,000,000 Americans, in round numbers, go to bed hungry every night. All the same, Senator Fulbright was right when he charged that the Vice President's methods verge on the "totalitarian." A few more blows such as this one and the image of the old Nixon will have returned — to stay.

Agreement Is Possible

When India and Pakistan won independence in 1947 from Britain and each other, the boundaries, as often happens, were political rather than functional. The line cut through 20 million acres in the arid Punjab district. Pakistan controlled 80 per cent of this acreage; India controlled the headwaters of the six rivers of the Indus watershed. Twenty-five million Pakistanis depended on the Indus water for irrigation; the system was thousands of years old and, in its modern form, the largest in the world. Both countries needed the water. In 1948, 1952 and 1958 they were on the brink of war. Now the matter is amicably settled. How was it done?

In 1951, David E. Lilienthal, drawing on his background as former chairman of the Tennessee Valley Authority, wrote an article for *Collier's* proposing a joint project by India and Pakistan to develop the river. Eugene R. Black, president of the World Bank, read the article and sent copies to the premiers of India and Pakistan. They saw possibilities in the plan. Long and difficult negotiations followed. Finally agreement was reached. The water system is divided between the two countries at a cost of $1.1 billion for construction of dams and canals which will take ten years to build. The World Bank and six member nations—the United States, Australia, Canada, West Germany, New Zealand and Britain—will supply the funds. The United States is providing the largest loans and grants—$177 million to Pakistan, $33 million to India.

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The Indus watershed problem was solved by patience, forbearance and the help of the more advanced industrial nations. Kashmir is an even more difficult problem. But there may be constructive possibilities here, too. If 170 million acre-feet of water can be divided without bloodshed, President Ayub of Pakistan asks, "What is to prevent an integrated development and economic policy between Iran, Pakistan, India, Burma, Malaya, Ceylon and even Indonesia?" That remains in the remote future, but if even a part of it comes to pass, titular sovereignty over Kashmir will seem less important.

U.N. TAKES A HURDLE . . *by Jane Stolle*

United Nations, Sept. 20

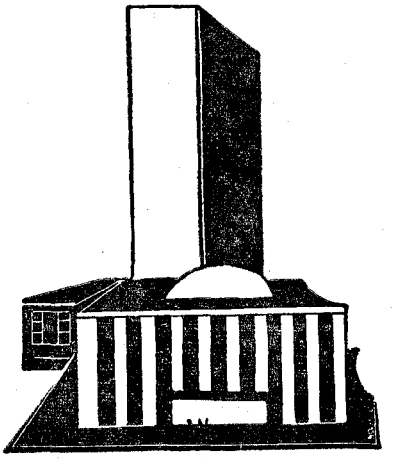
THE UNITED NATIONS opened its 15th annual fall Spectacular — the General Assembly — today and beneath the pomp and circumstance lay the tension built up in the past two months by the Congo crisis. Gone, now, seems to be the fear for the very survival of the world organization as it struggled with the problem of responding to the Congo's call for help on July 12 — responding, that is, within the framework of the U.N. charter and the mounting opposition of the Soviet Union. Secretary General Dag Hammarskjold made it clear, on several occasions, that if his handling of the Congo crisis were censured by the U.N., he would go. And there was little doubt in anyone's mind that much of the prestige and usefulness of the world body would go with him.

However, in a special emergency session on the eve of the General Assembly, a resolution sponsored by the Afro-Asian members was passed which in effect reaffirmed, for the present at least, the faith of the majority of members in the U.N. and in Mr. Hammarskjold.

It was a patch-up job at best, and the real work of interpretation and implementation of the vote will now begin its crucial period. There are still deep reservations in the minds of some of the Africans who voted in favor of the resolution. Though the Soviet Union appeared to have been completely routed in its efforts to discredit the U.N.'s actions in the Congo, to brand the U.N. as a tool of an "interventionist coalition of imperialists," in fact the Russians planted some significant doubts in African soil. *Did* the U.N. go too far in the Congo? *Would* Lumumba have fallen if he had not been barred from its airfields and radio stations by U.N. troops? If my country, my government, were to "go Congolese," should it appeal to the U.N. for help? If so, would I be master in my own house?

These questions, and many others, will underlie the discussions when the Soviet-introduced agenda item, "The Question of the Threat to the Territorial Integrity and Independence of the Congo" comes up, for though the Secretariat would like to get on with the job of helping the Congolese with technical and financial assistance, the Soviet Union has no intention of letting it do so quietly.

There is an outside possibility that the item will never appear on the agenda, since its inclusion must first be voted on by the powerful twenty-one-nation General Committee. But the heightened interest in Africa, plus the admission of thirteen new members today from that area, make its inclusion likely.



The questions raised by the Congo crisis will be hard to answer; the U.N. itself has not yet reached definite conclusions. Never was it envisaged, when the world body was founded in 1945, that the maintenance of world peace and security might hinge on whether Lumumba was up, down or out. What began as a mere police action in the Congo, supported by the entire U.N., moved through a series of unforeseen actions and re-actions that all but split the organization asunder. There may be other calls for help from Africa, and many delegations other than the Africans and Russians hope that, for the good of the organization, helpful ground-rules will emerge from a full assessment of the events of the last two months.

WITH THE exception of the Russians and their satellite friends, the doubting delegations in no way question the good faith of the Secretary General or of the U.N. as a whole. But they realize that the organization is entering on a new period as its scope enlarges with its membership, and they want to have their say. Within this context, the Soviet opposition to the U.N.'s Congo actions — ugly and frustrating as it seemed at the time — has served a useful purpose. "You Americans, after all, believe in the check-and-balance function of a two-party system in domestic politics," a member of one of the neutralist Asian delegations told this correspondent. "Isn't this a two-party world?"

Sticky-fingered Belgian colonialists were pried loose from the Congo during the debate. It is doubtful whether Mr. Hammarskjold could

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have persuaded so many to go so quietly except for the hue and cry raised by the Soviet Union. For that, the Africans are grateful. Some Belgians still remain, and many of them still have their hands in African pockets through long-armed international financial interests. But their stranglehold is apparently broken.

Meanwhile the Soviet Union, hoist with her own petard, has been forced, temporarily at least, to get out, too; and if and when she goes back, it will be to a Congo swarming with U.N. civilian assistants in all branches of the government.

Perhaps most important of all to the Africans, the United States has committed herself to wide-scale financial and technical assistance to the Congo under U.N. supervision — the first real breakthrough in United States multilateral aid channeled through the world body. The Congo's financial needs in its first year of independence will run into several hundreds of millions of dollars, according to U.N. estimates; and the Secretary General, in his fourth report to the Security Council, asked for "urgent voluntary contributions" to a U.N. fund for the stricken country. The United States responded handsomely, and will continue to do so. For this, too, the Africans are grateful. They find it a hopeful symptom of a change of attitude in Washington toward their long-time plea for increased multilateral aid. The fact that this change of attitude is largely motivated by American desire to thwart Russian encroachment is of little importance to the Africans. Aid is what they need; let the motives be hanged. They must have bilateral aid, too; their needs are so great. But already, on the first day of the General Assembly, they have pleaded to be left out of the cold war: aid, yes; strings, no.

The Secretary General considers that helping the new African nations to accomplish their aims is a primary function of the U.N. In his "Introduction to the Annual Report of the Secretary General on the Work of the Organization," he says:

> In Africa the first beginnings can now be seen of those conflicts between ideologies and interests which split the world. Africa is still, in comparison with other areas, a virgin territory which many have found reason to believe can or should be won for their aims and interest. . . . The Organization must further and support policies aiming at independence, not only in the constitutional sense but in every sense of the word, protecting the possibilities of the African peoples to choose their own way without undue influences being exercised and without attempts to abuse the situation. This must be true in all fields — the political, the economic, as well as the ideological — if independence is to have a real meaning.

U.N. ACTION in the Congo was, of course, to that end. A little-publicized facet of U.N. action in the Congo was the emergency administrative aid rushed to the personnel-depleted government. Secretariat people were called back from vacations, snatched from desks in the thirty-eight-story building on the East River, borrowed from U.N. offices overseas and sent off to work twenty-hour days to keep the basic day-to-day activities going while U.N. troops tried to keep the peace. A group of eleven top experts in agriculture, communications, education, finance, foreign trade, health, national security, labor, magistrature, natural resources and industry, and public administration are on hand in Leopoldville, waiting only for the political situation to simmer down so that they can work in close cooperation with a stable Congolese cabinet. Under them are dozens of aides, surveying the needs and resources of the country in preparation for a wide-scale technical assistance program which may require thousands of U.N.-supervised operators. Helping the Congolese and all newly independent countries to help themselves to stable governments and economies is the long-range project of the Secretariat, and this General Assembly will hear much of the program.

Disarmament, Algeria, the hoary questions of apartheid and the admission of China will steal the spotlight, as usual; but lurking in the wings will be the problem of the underdeveloped countries and the basic question of U.N. jurisdiction posed by recent developments in the Congo.

Fortunately, the General Assembly will be chaired by Ireland's able diplomat, Frederick H. Boland, who, as chairman of the Trusteeship Council, has had considerable experience in dealing with the problems of emerging countries. His own country has attempted — successfully, on many occasions — to reconcile the opposing views of East and West, and prides itself on judging each issue before the U.N. on its own merits. He will have much scope for his talents.

EAST RIVER SHOWBOAT . . *by Noel E. Parmentel, Jr.*

IN A SEAGOING fiasco reminiscent of the voyages of either Terry Southern's *Magic Christian* or Henry Ford's *Oscar II,* the Hudson River Day Line's *Knickerbocker II* had its moment of glory the other day. Hired (or commandeered) by that notably intrepid band of free trade unionists, the International Longshoremen's Association, the converted LCI was scheduled to carry huge swarms of longshoremen to the Narrows, well out in New York's harbor, the better to hoot the Soviet ship *Baltika* carrying Nikita Khrushchev to its mooring. Although Captain William Bradley, the I.L.A. president, prom-

NOEL E. PARMENTEL, JR., whose forthcoming The American Establishment *will assess some of the straw bosses in American culture, politics, industry and labor, likes to spend his spare time on the waterfront.*

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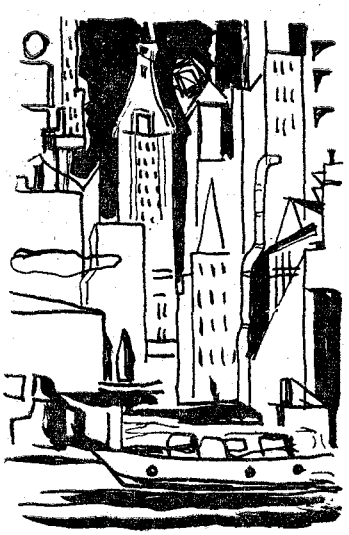
ised "2,300 leather-lunged longshoremen," only a few dozen dockers showed up for this particular moment of truth. The jolly crew was composed, for the most part, of newsmen and delegates from various ethnic anti-Communist groups, most of whom were not speaking to one another.

Although Captain Bradley and his chief aide-de-camp, Teddy Gleason, had warned all hands that the boat would set forth on the dot at five A.M., it was past six-thirty when the gallant band actually shoved off from the Day Line pier. Such eminent statesmen and anti-totalitarians as Packy Connolly and Tony Anastasia were unable to be on hand for the grailing. Bradley



and Gleason had hoped for a few stragglers to swell the scene, but—due to matchless organization and (in all fairness) to a torrential rain—nobody showed. Among the more notable absentees were the members of a brass band, originally scheduled to keep spirits up and to render, once the Soviet Premier was within earshot, "I'll Be Glad When You're Dead, You Rascal You." It was little wonder that Bradley was in a perfect pet when he finally ordered the skipper to set sail.

But despite both the weather and the turnout, the trip to the Narrows was fun all around. Some boys were singing Ukrainian folk songs, and about 15 per cent of the I.L.A. membership was engaged in a game of four-handed knock rummy. There were hot coffee and sandwiches—just as well, since most of the crew had been up all night. The Statue of Liberty could be seen through the fog (Bradley and Gleason had unsuccessfully petitioned the government for permission to blindfold Miss Liberty, presumably with a sign telling Mr. K. what the I.L.A. thought of him), and the ship's railing was bedecked with insulting messages to the Russians, Hungarians, Romanians, etc., in a galaxy of languages and alphabets. The chief cynosure, however, was a very handsome girl from *Life*, looking, in slicker and topsiders, like a stray from the America Cup races. She was being well cared for and, when she announced that she wanted to talk to an honest-to-God longshoreman to get *their* side of the story, no less a personage than Captain Bradley ran to fetch her one. Unfortunately, the horny-handed son of toil collared by the Cap turned out to be a Teamster who had been sleeping one off on the piers and had wandered aboard to see what was up. He also turned out to be a little less than coherent, but before the situation became too befuddled Bradley had rounded up a real docker, which was no small feat that morning on the *Knickerbocker II*. (The girl from *Life* later allowed that "The last time I was on one of these boats it was for a subscription dance and we had Lester Lanin. But today, gee, it's all sort of unreal, sort of. You know?")

AS WE awaited the *Baltika*, some of the jollity began to wear off, just about keeping pace with the buns of some of the newsmen and dockers. There were harsh words over the knock-rummy game. Captain Bradley and the Day Line skipper were having words over the police and Coast Guard regulations. It seems that the seagoing Cossacks had set up a *cordon sanitaire* of 200 yards around the Soviet ship. Bradley, looking like Bligh, acting like Queeg, was all set to make an issue of it, but the skipper wouldn't play. Gleason sulked in a corner. A Lithuanian separatist and a member of the All-Russian Monarchist Front, Inc., having cut each other dead all morning, took a break to dispute whether Khrushchev or Hitler had been more effective against the Jews. (This was as near as Mr. K. came to getting a compliment all morning.) There was a hassle over the placards. (Samples: "Crummy Khrushchev Go Home"; "ILA All the Way Hates Mr. K."; "Scat You Godless Scoundrel.") There was a hassle over the handouts, which included a puff for a book called *The Russian Advance*, by Senator Albert J. Beveridge (Harper and Bros., 1904), as well as a suggestion that Khrushchev "settle for good in the Congo under the wing of your enlightened pal, Lumumba." There was a dispute between two newspaper photographers over whether they could use pix of one particular sign which read, "Give Us Back Our Fliers, Keep Our Fags." As it turned out, the *Daily News* and the BBC did use it, while the other papers and TV outfits did not. Meanwhile, a reporter and a TV cameraman were having words over the Cleopatra from the Luce Empire. Finally the *Baltika* hove into view, just in time to avert a scuffle over a battery-powered megaphone and a pair of binoculars.

AT THE sight of the pirate ship—formerly named the *Molotov*—petty animosities were forgotten. The monarchists, separatists, nationalists, etc., began their chants, which sounded like *"Khrushchev Ubitsa"* and *"Khrushchev Svolich"*—neither sentiment, as I understand, highly complimentary to the Russian leader. Over to starboard a startling female voice emerged from a megaphone. (For an instant, I suspected Tokyo Rose, but it turned out to be an obscure Balkan dialect.) Bradley was fuming because we could not get closer than two hundred yards to the *Baltika*, surrounded as it was by a veritable flotilla of police and Coast Guard boats, plus some Moran tugs. The dypso Teameo had astutely smelled his way to the only hooch on board, something in a silver flask carried by a *Paris-Match* photographer, and prevailed upon the Frenchie to give him a shot. Thanking him with "Gawd Bless America, You're Awright, Get Outta Here," the Teamster lurched over to a docker and asked "Anybody take your

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pitcha yet?" Another docker ran on about Mr. K. to a reporter who appeared to be taking notes on the end pages of a pocketbook copy of *Elmer Gantry*, "Jesus, that guy's gotta lotta *chutzpch* comin' here after all he said. Watta man, though. How'd you like to have a guy like that on our side? Kennedy and Nixon. Jesus."

Following the *Baltika* into the East River (at a respectful two hundred yards abeam), most of the crew braved the driving rain to wave signs and shout insults at the Communist contingent. There was a verbal clash between certain of the valiant Hungarians aboard and a young couple of Catholic Workers in a green canoe urging an end to the arms race. Meanwhile, the rain had ruined the signs, most of which were printed in red ink which ran down the bearers' hands, making the friends of freedom look like characters in C. D. Batchelor cartoons.

Hooting K. all the way, the I.L.A. boat was joined, somewhere in the vicinity of the Fulton Fish Market, by a boatload of Cubans, apparently Batista buffs under the misapprehension that Fidel Castro was aboard the *Baltika*. (Misapprehension or no, they had had more success than our waterfront labor statesmen at filling a boat.) Meanwhile, a Mr. Philpott from the BBC (who is, a girl colleague explained, "the Chet Huntley of the BBC, actually") was conducting an interview with Bradley and Gleason, while some American reporters were making side bets on whether there were more representatives of the BBC than of the I.L.A. on board.

To the BBC, Bradley passed off the blame for the poor attendance that morning on "the President of the United States." Bradley, corpulent and practically toothless, is straight out of a Thomas Nast cartoon. Standing roughly fifteen hands high, he weighs easily twenty stone, and looks like the Beadle in a road-company *Oliver Twist*. When "King Joe" Ryan was forced to resign his presidency of the I.L.A., Bradley was his choice to succeed him. He has somehow managed to hold the union together, and to bring it back into the AFL-CIO, which had kicked it out for corruption. Gleason is another kettle of fish. Well-versed in waterfront intrigue, an "implacable foe of the Left," he remains friendly with West Coast longshore boss Harry Bridges, and usually lunches with Bridges when the latter is in town.

After the *Baltika* docked, with no help from the I.L.A., the *Knickerbocker II* limped into an East Side pier and most of the ship's company cut out. More amusing than if it had gone according to plan, the voyage was top-drawer *opera bouffe*. All in all, it was a fitting prelude to a week which, at this writing, has seen a dumb cop rough up a monsignor for holding an American flag upside down (a traditional distress signal), Fidel Castro upstage Mr. K. (the mountain went to Mohammed —and at the Hotel Theresa, at that), and Cholly Knickerbocker faithfully report that Patrice Lumumba and his lady friend have gone phfftt.

THE SOUTH DOESN'T COUNT . . .

by William G. Andrews

VIGOROUS, repeated and self-righteous protestations to the contrary notwithstanding, both Presidential candidates are assiduously courting the Bourbon South. Lyndon Johnson may have been nominated for the presidency of the Senate because of his undoubted parliamentary talents. Or he may have been awarded that honor to pull his legislative fangs, as some Kennedy aides have slyly (and privately) intimated to disgruntled Northern supporters; Kennedy might be kicking him upstairs, so to speak. And Nixon might have made his enthusiastically-received recent march through Georgia, Alabama and North Carolina to look over golf courses for possible future use. All this might be true, but the evidence is not convincing.

The campaigns of both candidates create the unmistakable and decidedly unpleasant impression that they have not yet recovered from the migraine Tom Dewey woke up with on the morning of November 3, 1948. The Republicans (determined never again to be the victims of over-optimism) and the Democrats (equally determined not to let it happen to them) are taking no "sure things" for granted. As brother Bobby K. said in Denver, "We cannot afford to lose any state because we didn't try hard enough to win." While both suitors vie diligently for the liberal and minority groups in the North, both also cover their bets by wooing the South as well.

Modern political reporting being as relentless and omnipresent as it is, there are no longer many opportunities for the nominees to take contradictory stands on the same issue in different parts of the country. Consequently, their efforts to mix political oil and water can be neither as crassly hypocritical nor as effective as they might wish. Instead, they have agreed to give the South a choice between the Devil and Satan on civil rights and to pitch their appeals on other issues. *The New York Times* recently caught Lyndon Johnson in a rather crude game of sleight of hand in Barry Goldwater's Southern-oriented bailiwick. The Vice Presidential candidate issued for use in local media an advance text of a speech in which he accused the Republican Administration of deserting economic liberalism. But when he actually delivered the address — it was televised — he "departed from his prepared text" sufficiently to develop contradictory images to two different audiences.

A careful analysis of recent elec-

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tions leads one to wonder if this cultivation of the South and its supposedly peculiar regional political proclivities is worth the effort. In the first place, as George McMillan pointed out even before the party conventions (*The Nation*, July 9), the South has "no place to bolt." Neither party offers an alternative satisfactory to traditional Southern demands and both the third-party and free-elector movements have fizzled out. Second, the importance of the electoral votes of the South is not great enough to be decisive except in the extremely rare elections when the electoral college margin in the North is close. Finally, there is evidence that "The South" as a politically cohesive region in Presidential elections has shrunk, almost without being noticed, to a mere ectoplasmic shadow of its former solid self.

Herblock, Washington Post

"I'd like to run away, too — but where?"

ON THE second point, only once since 1916 has the margin of the victor been so narrow that, had he lost the South, he would not have had a majority in the electoral college. The exception was, of course, 1948. Had the other seven Southern states followed Alabama, Louisiana, Mississippi and South Carolina into the States' Rights camp, Truman's electoral vote would have fallen to 215 — a plurality over Dewey's 189, but short of the Constitutionally-required "majority of the whole number of Electors appointed." As we have been told endlessly, this would have thrown the election into the House of Representatives, where the states would have voted as equal units. Inasmuch as Truman would have been the leading candidate by any criterion, it seems rather far-fetched to believe that the representatives would have defied their constituents and the clearly-expressed will of the majority of the voters so openly as to give the nod to anyone else. (Of course, if all 126 Southern electors had voted for Governor Dewey, he would have been elected.)

The 1948 election seems to prove, above all, that it is not possible to drive the Southern electorate into the arms of a third party. The South seceded from the Union in 1860; by 1865, the impossibility of that alternative was established. It attempted to withdraw from two-party politics in 1948 and showed with equal finality, in the most favorable conditions that are ever likely to prevail, the sterility of that course.

In the other nine Presidential elections since 1916, the winner has carried the North by such a wide electoral college margin that, even if all the Southern votes had been thrown into the balance on the opposition side, the outcome would not have been different. The total electoral vote of the eleven Southern states has averaged about 126. This means that if a candidate carries the North by more than 126 votes, the South doesn't matter. In 1948, Truman carried the North by only 26 electoral votes. That year the South counted: by casting 88 votes for him, it gave him the Presidency. But in no other election since 1916 has the winner's margin in the North fallen below 200 votes. Clearly the South as a region did not count in those nine elections. With the addition of seven more Northern electoral votes as a result of the admission of Alaska and Hawaii, the relative weight of the South at the polls has been reduced still further.

The preoccupation of some political writers with the possibility of a "close" election in which the South would hold the balance reflects a misunderstanding of the way today's American electorate functions and of the role of the electoral college. In order for the South to intervene in a significant way, the electoral vote must be close. The margin in the popular vote is no more important than net yardage is in football; it looks nice, but it doesn't change the score. In every one of the elections since 1916, the winner's margin in the electoral college exceeded his popular-vote margin — usually by quite a bit. Only twice since 1916 has the successful candidate pulled more than 60 per cent of the popular vote: Harding had 64 per cent in 1920 and Roosevelt had 62.2 per cent in 1936. On the other hand, only once in that

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period did the winning share of the electoral vote fall below 72 per cent — Truman's 57.1 per cent in 1948. Only in 1948 did fewer than 44 percentage points separate winner from loser in the electoral college, while in none of the nine contests was the percentage of popular-vote margin greater than 28 per cent.

IN BRIEF, although the last forty years have seen several close elections in the popular-vote columns, only 1948 was at all tight in the electoral college. One fairly clear explanation for this phenomenon is that the rise of a national constituency in Presidential politics has been partially obscured by the continued existence of the electoral college. We do not yet have a uniform, homogeneous electorate — even in the North — and I hope we never do. But in the North the elements of diversity balance one another off to such an extent that the net reaction of the various state electorates is remarkably consistent. To put it another way: the shade of political opinion in the North is not a monotone, but the speckles are so evenly distributed as to blend together when viewed with national perspective. More precisely, the floating vote responds with considerable uniformity and swings states one way or another with such consistency that only very powerful local factors can stem the tide. And because these political moods sweep the dominant North so pervasively, an election in which the South can play pivot man is exceedingly rare.

Another reason for discounting the importance of the South in Presidential elections is that there are strong grounds for believing that "The South" has badly eroded in the last thirty-five years or so, although its decline has been well camouflaged. The ability of Herbert Hoover, J. Strom Thurmond and Dwight D. Eisenhower to slice off rather large chunks of the Southern electoral vote points to the possibility that major parts of the South no longer warrant the designation of "solid." If that view is accurate, such leading Southern states as Virginia, Florida, Texas, Tennessee and, perhaps, Louisiana, Arkansas and North Carolina have been absorbed into the same national constituency that embraces virtually all of the North.

This proposition is at best quite tentative at the present time (the November election will give it another test). It rests primarily on the observation that not since 1924 has the South run against the national tide in any massive way. In 1929, Hoover lost the South by only 64 to 62 electoral votes. Roosevelt never lost a Southern state. Truman pulled 88 votes to Thurmond's 39. Eisenhower was edged out in 1952, 57 to 71, but outdrew Stevenson in 1956, 67 to 61. Furthermore, in 1956 Eisenhower polled 49.4 per cent of North Carolina's vote and 56.5 per cent of Arkansas'. This recent experience contrasts sharply with the first twelve elections after Reconstruction: from 1880 through 1924, the only time a Southern state bolted the Democratic Party was Tennessee's 1920 swing to Harding. That's 99.6 per cent pure!

In the last eight elections, Florida, Texas, Virginia and Tennessee have voted Republican three times apiece. North Carolina and Louisiana have each broken ranks once and Arkansas once came very close to doing so. By the most generous accounting, only South Carolina, Georgia, Alabama and Mississippi can still be regarded as "sure" states. These are all that remain of the Solid South. The four states poll a total of 39 electoral votes. If we hypothesize the assimilation of the other seven Southern states into the national constituency and re-examine the 1948 election, even that maverick contest fits our pattern. The national constituency can then be said to have given Truman 280 electoral votes to 200 for his opponents and the "Solid South's" 40 wretched votes could not have changed the result.

ALL THIS would seem to indicate that the factors that sway the political judgment of voters in seven of the Southern states are much the same as those that appeal to their Northern counterparts, and that only four states are left in the Solid South. However, a word of caution is necessary. Religious prejudice may have been the determining factor in Hoover's Southern success in 1928, and personal charism may account for Eisenhower's victories. No charism was at work in 1948 and none is evident this year, although the religious bogey has again raised its battered head. It should be remembered that Teddy Roosevelt's charism did him no good in 1912. In any case, it is quite clear that most of the states in the South will vote for a Republican if they have a strong reason. If ever a Republican Presidential candidate wins with the benefit of neither charism nor religious prejudice, we may suddenly discover that the Solid South has faded away like the Cheshire cat or old soldiers — and that no one was aware of its disappearance.

THIS MAY BE disconcerting to liberal Democrats who have welcomed the contribution of a captive South to help win office for the lesser of two evils (though one victory due to such support in forty years seems a rather meager return). On the other hand, an awareness that most Southern electorates respond to the same political appeals that win support in the North should lead both parties to pitch their campaigns to a genuine national constituency. The last of the regional blocs has become so greatly reduced that its peculiar character is no longer a significant factor.

Lyndon Johnson, the chief beneficiary of Kennedy's failure to recognize the disappearance of the South, has, in effect, acknowledged the illusory nature of Southern demands for regional representation. He told a Nashville audience that "I will never speak as a Southerner to Southerners or as a Protestant to Protestants or as a white to whites. I will speak only as an American to Americans."

November's election will not offer a clear test of the South's return to the Union. If the candidate who carries the North also carries the soft outer shell of the South, this could be interpreted as confirmation of the death of the Solid South. But, if the victor is Kennedy, it will be argued that the South is remaining loyal to its Democratic tradition; and, if Nixon wins, it will be said that the vote for him was a vote against Catholicism. Juxtaposed as they are here, the

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transparency of these two arguments is readily apparent. One need only ask *why* the South would remain loyal to the Democrats rather than vote against a Catholic, or vice versa.

The religious-determinist argument assumes that, in the South anyway, religion is more important in politics than is politics. The voter is believed to be opposed to Kennedy *because* he is a Catholic. In fact, he may dislike him for other reasons, or simply prefer Nixon to him and rationalize his decision on religious grounds because it may still be more acceptable in the South to be anti-Catholic than pro-Republican — at least at the level of articulated motives. On the other hand, if the North goes one way and the South another it can only be concluded that the South has not yet shed its Confederate Gray, that Johnson is wrong, Kennedy is right, and the day of truly national Presidential politics is still in the future.

DON'T BANK on the POLLS . . *by Jack Orr*

Gentlemen Pollsters up in a tree
Damned from here to eternity
God, please save us from Tom
Dewey —
Baa, baa, baa. . . .
— Old Democratic folk song (circa 1948)

AS I FOLLOW the weekly gyrations of the Presidential pollsters these days, I am reminded of a girl I know who got out of bed on Election Day, 1948, had a prune Danish with her morning coffee, and set out for the polling booth. That year she could vote for Thomas E. Dewey or Harry S. Truman.

"When I left the house I honestly didn't know who my choice was," she since has said. "Opinion polls and newspapers, magazines, columnists and commentators said that anybody would be a nut to go for Truman. Everybody, but everybody, knew Dewey had it in the bag. They were so damned smug. As I walked down the block and got closer to the polls, I thought: 'Suppose they're wrong. Suppose it's close and *my* vote puts that little bridegroom-on-a-wedding-cake in.' I closed the curtain and voted for Truman."

A substantial number of people must have had similar reflections as they walked toward voting booths that morning in 1948. It was the most smashing political upset of the generation. Truman drew 24,000,000 votes, about nine million more than some polls had predicted. He carried twenty-eight states instead of the nine they said he'd get.

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George Gallup's American Institute of Public Opinion, appearing in more than 150 newspapers, had Dewey romping in with 49½ per cent of the popular vote (he got 44 per cent). Elmo Roper solemnly announced in early September: "Dewey leads Truman by the unbeatable combination of 44 per cent to 31 per cent, an almost morbid resemblance to the Roosevelt-Landon figures in 1936" (when Landon took the worst licking in election history). On November 1, he upped his Dewey guess to 52½ per cent. Archibald Crossley, another pollster, gave Truman a scant fifty electoral votes, one-sixth of the actual total.

WHAT the polls predicted, the press trumpeted. *Editor and Publisher* said that 69 per cent of the nation's newspapers, serving four-fifths of the total readership, were plumping for Dewey. So were all the news magazines. (*Newsweek's* own survey gave Dewey 375 to 390 electoral votes; *Time* didn't believe "there would be any contest"; *U.S. News & World Report*: "Dewey offers something new for the White House. . . .") Elsewhere, to their last font of type, publications bannered the pollsters' flat-footed assertion that the challenger couldn't lose.

Even traditional New Deal papers ran out on Truman when the polls began showing the way of the wind. Three big dailies in Truman's home state of Missouri came out for Dewey. Throughout the Northern states, paper after paper which had favored Roosevelt the time before now dumped Harry. Such defections bolstered the trend. Even in the solid South, papers in Houston, Savannah and Greenville deserted the President. Copy desk men began believing the inevitable. In Norfolk, the *Virginian-Pilot* headlined a pre-election story: "Truman in Raleigh Proves, at Least, That He'll Be Popular Ex-President." *Life* had a caption under a picture of Dewey: "The Next President Travels by Ferry Boat Over the Broad Waters of San Francisco Bay."

In New York City, all eight dailies, including the influential *New York Times*, declared for Dewey. (However, there were rumblings from below. James B. Reston, now chief of the *Times's* Washington Bureau, gave his colleagues a chuckle when he soberly filed this dispatch from Dewey's campaign train: "'Good-bye, everybody,' shouts the Governor. 'Good-bye,' and the 'Victory Special' pulls out — usually with a jerk.")

Even that present-day bastion of the Democratic Party, the New York *Post*, abandoned Truman. (One day, somebody put a pro-Truman petition up on the city room switchboard and sixty-seven members of the staff boldly signed it.)

Only a forlorn little tabloid, the New York *Star*, worked for Truman in Manhattan. It was a continuation of Marshall Field's old *PM*, an ad-less daily newspaper experiment that had cost Field $27,000,000. But few of us on that staff, looking at the circulation figures of 125,000, had much confidence. We could read the polls, too. Walt Kelly, Pogo's creator, was the vigorous editorial cartoonist. He said one day, "This is like rooting for the Giants." "Or the St.

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Louis Browns," said the late John Lardner, who did the *Star's* dramatic criticism. When the paper's columnist Jennings Perry wrote, "It'll be closer than you think," most of us marked it off as rah-rah stuff for the home team.

Meanwhile, the magazines, normally cautious about scheduling stories based on what might happen because of their far-in-advance deadlines and the fragile quality of news figures, also had thrown caution to the winds.

"What kind of President Will Dewey Make?" caroled the *Saturday Evening Post* in an article by Joseph and Stewart Alsop. The *Saturday Review of Literature* discussed "Tom and the Teachers." *Business Week* had a cover blurb: "Tom and Business." "You get the feeling," wrote *The New Yorker's* Richard Rovere "that the American people would give (Truman) anything he wants except the Presidency." In England, the *Manchester Guardian* ran an election-eve story by Alistair Cooke: "Harry S. Truman, a Study of a Failure." The Kiplinger *Washington Letter* said: "Dewey will be in for eight years."

ON THE night of November 2, a smiling Tom Dewey, accompanied by aide-de-camp Jim Hagerty, went to a suite in the Roosevelt Hotel in New York City. He pulled up an armchair in front of the television set. "I am not worried," he said as the early returns came in favoring Truman.

The TV reporters were doing their best to reassure him. "These are urban returns," said the dean, H. V. Kaltenborn, "and when upstate and downstate results are known, Gov. Dewey will shoot ahead as expected." Kaltenborn stayed with the polls longer than anybody else. (Later, Harry Truman was to do a comical take-off on Kaltenborn's reprise. "It was now four in the morning," Truman said in a speech, "and I kept hearing this voice, 'As soon as the farm vote is in . . .'" and he gave it H.V.'s crisp Teutonic edginess.)

All night long Dewey watched, growing more and more tense. At 8:30 A.M. he took a two-hour nap. Then he got up, telephoned Earl Warren in California. At 11:14 A.M. Jim Hagerty stood up in Republican headquarters and read Dewey's conceding message.

Truman was in Excelsior Springs, Mo., and had gone to bed at 6:30 P.M. He got up at midnight, switched on a radio in his room to hear Kaltenborn, then went back to sleep until 4:30 A.M. He ate a ham-and-cheese sandwich and drank a glass of buttermilk, and then drove in to Kansas City in time to accept the Dewey wire conceding him the election.

NEXT MORNING the pollsters and the press woke up with a granddaddy of a hangover. Never had anybody been so wrong in newspaper history. Even when faced by the truth, some editors refused to believe it, or report it. Hours after Dewey had conceded, the Detroit *Free Press* ran a lead editorial on "the Lame Duck President . . . a game little fellow who went down fighting." The San Francisco *Call-Bulletin* had an early-edition cartoon depicting a jubilant elephant and a sorrowful looking donkey (the art department did a fast retouch and by the next edition the elephant was startled, the donkey jolly).

Most memorable rock of all was that of Col. Bertie McCormick's Chicago *Tribune*. On the first of its eleven election-night editions, it carried a banner line: "Dewey Wins on Basis of First Tally." By 10 P.M., the *Tribune* banner was still reading: "Dewey Defeats Truman." Successive editions peeled the streamers down until the last Thursday morning edition had Truman in, but the story was played below a rape in Wisconsin.

The reddest faces, though, were those of the pollsters. They mumbled that people hadn't made up their minds when they were polled. Gallup tried to say that he was only 2.7 per cent off, a figure he got by adding up his errors on all candidates and dividing by four. (Thus, he had said Wallace would get 4 per cent of the total vote; Wallace actually got 2.4 per cent. To Gallup, this was an error of 1.6 per cent; to others, it was an error of 40 per cent.)

It was not the first time, of course, that Presidential election polling had come a cropper. In 1936, the *Literary Digest*, a weekly magazine, said that Alfred M. Landon would beat President Franklin Delano Roosevelt. When Landon got only eight electoral votes, a record that still stands, the *Digest* folded in a national gale of laughter.

But by 1948 the *Digest* debacle was forgotten. Gallup, Roper and the others said they had improved polling techniques. They used waves of interviewers to poll a representative cross-section of the population, a "well-chosen sampling" they called it ("government by sampling," said Heywood Broun). Thus, proportionate numbers of bankers, ditch-diggers, Chinese immigrants, Daughters

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of the American Revolution, masochists, dentists, etc., would reflect the voting plans of the whole population. Gallup said he liked to use not more than 3,000 subjects because after that the law of diminishing returns sets in. "That is why so few people you know ever have been questioned by a pollster," he once said.

Using these methods, Gallup had built prestige. In the elections of 1940 and 1944, he had come at times to within 2 per cent of being dead right. Confidence in him and other polling groups ran high by 1948.

But when things blew up with Truman's election, editors took a second look. They frankly acknowledged their moral guilt in letting the pollsters do the journalist's job. "We did not concern ourselves, as we used to, with facts," second-guessed Arthur Krock, of *The New York Times*. "We accepted the polls unconsciously. . . . We have to go back to the old and classic lines—to the days when reporters really dug in, without any preconceptions." Said James Reston: "The polls made us wrong." The editor of the Indianapolis *Times* wrote: "I think that a good deal of our press reporting has gone to hell. . . . It has been a wonderful lesson to those newspaper men who still have enough sense left to know that they got a lesson the hard way."

Scores of papers canceled their Gallup and Roper contracts. "Never again," said the St. Louis *Globe-Democrat*. A *Time* correspondent admitted: "The returns made me realize how good, old-fashioned leg work—the kind I hadn't done—was still the most important part of our press structure." Alistair Cooke apologized to his English readers and said, "Your correspondent will now sell his telephone and his subscription to Mr. Roper's poll and get back to the use of his legs and other humble sense."

BUT MEMORIES are short. This year's election has seen newspapers and magazines gravely give as substantial play to the pollsters as they did the year of the big collapse. Ironically, this is twelve years later, just as the 1948 debacle came twelve years after the *Digest* smash-up.

If anything, pollsters are stronger. Today there are thirty-five private firms which furnish confidential surveys of opinion for anybody who cares to hire them. It is said that Governor Nelson Rockefeller pulled out of the race for President because a private poll advised him he didn't have a chance. Some Congressmen use polls to see which issues their constituents are really "hot" about—and they then map their speeches and campaigns accordingly. (The beauty of a private poll is that the man who buys it can make public any favorable findings and suppress the unfavorable parts.)

With politicians and publishers again accepting the word of polls, and listening to them with straight faces, it is often difficult to avoid their blinding influence. Truman was forging ahead in 1948, but the blinders created by the polls shut out the reality. The Denver *Post* arranged for a poll of its own and found that Truman would win Colorado (he did). But the pollsters got worried when their results came in and they jiggled them around to Dewey. The Chicago *Sun-Times* found a definite shift to Truman in Illinois, but didn't trust it enough to print it. A flour company in Kansas City began polling customers by giving them the choice of feed sacks marked "One Vote for Truman (or Dewey)." The firm stopped the survey after 20,000 farmers had voted because the results disagreed with national polls.

ANOTHER danger of banking on polls is that it stops the flow of political juice. Not long after Gov. Rockefeller pulled out, presumably because of bad showings in the surveys, Samuel Grafton, a veteran political commentator, observed: "If there had been polling organizations in 1858, Lincoln and Douglas might have been satisfied to take samplings rather than conduct their debates."

It is extremely unlikely, besides, that polls can catch religious bias or voting sentiment not in tune with sectional mores. Thus, when Sen. Estes Kefauver ran for re-election on a firm civil-rights platform in Tennessee not long ago (his enemies circulated a picture of him shaking hands with a Negro; Kefauver said, "I cheerfully plead guilty to shaking hands with a Negro")—newspaper polls in the state predicted his political doom. Yet Kefauver ran away with the race, beating the anti-civil-rights man, two to one, and drawing the great bulk of white votes.

Similarly, when Sen. Kennedy fought his West Virginia primary campaign, "scientific" sampling by newspapers (and other polls) showed that he didn't have a chance in that Protestant state. His victory is history.

EVEN IF a man planned to vote against Kennedy on religious grounds, it is doubtful, in this day and age, that he would own up to it to a pollster. *Business Week*'s Washington Outlook, eyeing the Presidential polls not long ago, warned: "Don't count on the pollsters to catch the religious factor. Voters will clam up, refuse to tell the pollsters what they think. The impact of religion will remain obscure until a precinct-by-precinct study is made after the election."

There is also the matter of phrasing the question and of faulty communication. Gallup once told of a poll-interview held in Cincinnati. "Do you believe in sterilization of the unfit?" the interviewer asked. "I believe *everybody* ought to use Lifebuoy," was the answer. Another time, in Georgia, a Boston-reared questioner asked a farmer: "Do you own a cah?" The man said he did. "How old is it?" "Two years," the man said. "What make?" "Jersey."

Not long ago, a Los Angeles newspaper man named Paul Coates experimented with phrasing a question. He represented himself as the Los Angeles Survey Institute and dialed 150 phone numbers at random. He asked: "Do you think the Mann Act helps the cause of organized labor and if you feel it deters would you vote for its repeal?" Everybody wanted repeal. "We're against that act in our family," one housewife said. "Why don't they leave working people alone," said another. "It certainly ought to be repealed," another offered. "That Hoffa gets away with too much as it is."

Polling, one critic has said, has a

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constipating effect on the democratic process. It keeps able men from running if their prospects look dim. It reduces large political issues to mere personalities. It rushes our decisions by creating bandwagon philosophy. It prevents slow, leisurely decisions, one of the delights of our system. Why should we be told four months before an election that no matter what we do in November, Candidate Terwilliger is a shoo-in because of the results of a sampling in Tucumcari, N.M.?

This may be why most of us find it titillating when public-opinion polls cave in, as they obligingly do every so often.

Which brings us back to 1948 — and my girl of the prune Danish— when she and millions like her, bless their maverick souls, joyously thumbed their noses at the gentlemen pollsters.

New Doubts on the Hiss Case

THE ADDED WITNESS . . *by George T. Altman*

Three years ago, in a foreword to our special issue on the Alger Hiss case ("Hiss: New Perspectives on the Strangest Case of Our Time," by Fred Cook), we noted our belief that "some cases simply will not die." The following article illustrates the point. It was submitted to us, unsolicited, by the author, a distinguished West Coast attorney and one of the country's outstanding legal experts on the identification of typewritten documents. Mr. Altman had no connection with the Hiss trials; his article, based on the transcripts and post-trials readings, was inspired by his special knowledge of the field of evidence involved and by the unquenchable thirst for truth and justice which is the mark of the juridical mind.
—EDITORS.

IT IS MORE than ten years now since Alger Hiss was convicted, and almost eight since the last legal procedure in his case came to an end. Several books have been written on the case, including one by Whittaker Chambers, the accuser and star witness for the prosecution, and another by Hiss himself. The books by others likewise have ranged on both sides. So have the many magazine articles which have appeared. The weight of all the printed matter on the case has been definitely on the side of guilt. That, of course, establishes nothing; the hate-Communist passion which committee and press have created reads accusation as guilt with the same blind fury as its Salem prototype. It is the more remarkable that voices of doubt have been raised, and some without trace of political origin.

One thing above all is clear. If Hiss was not guilty, his conviction was no innocent mistake. The very form of the case establishes that. The crime of which Hiss was formally charged and convicted was perjury, but that was not the crime which the prosecution sought to impress upon the jury. In his closing argument, in climax of its peroration, the prosecuting attorney cried: "What do they prove? Ladies and gentlemen, it proves treason, and that [pointing to Hiss] is the traitor."

The crime thus sold to the jury was espionage, not perjury. Formally, however, a conviction of espionage could not be obtained, because of the statute of limitations; the acts charged in that category were alleged to have occurred too many years before. An indictment for espionage must be obtained within three years after the offense is committed. As a result it was necessary to have a grand jury investigate the alleged espionage, call Hiss as a witness, and thereby force him to deny under oath the acts which could not otherwise ground an action against him.

Whether or not such a grand jury proceeding was valid, it was clear entrapment. Perjury, however, could stir no hatred; Chambers, without whose testimony the conviction was impossible as a matter of law, admitted in the course of his testimony that he was a perjurer, that he had lied under oath only a few months before; yet he was the prosecution's hero and it was he whom the jury believed. Clearly perjury was not the substance but only the form of the case; it was not perjury for which Hiss was actually tried. If he was not guilty, the case against him was coldly and deliberately fabricated.

It follows that what is crucial to a study of the case is the form of the trial in which Hiss was convicted. There were two trials, both in 1949, in New York. The first resulted in a hung jury, the second in conviction. What happened between those two trials? And what did the second contain which the first one did not? These are the important avenues of study.

EVER since 1939, Chambers had tried to sell to one government office or another his own salvation from communism and Hiss's active involvement in its promotion. The government offices to which he brought this story uniformly gave it no credence, until in 1948 it came to Richard Nixon, then a member of the House Un-American Activities Committee. No committee served better the cause of ambition. As a legislative committee, it could defame without fear of reprisal, and its defamation was in a field second to none in the extent of public thirst both created and satisfied by the press. Certainly there was no better setting than the political campaign of 1948.

Whether Nixon considered Chambers' story credible or not, he saw those possibilities in it, and nursed it along with hearings and investigations until Hiss, the earth of his position and prestige quaking beneath

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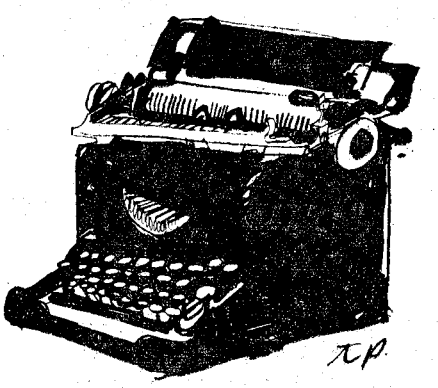
him, challenged Chambers to tell his story outside the legal shelter of the committee. Chambers accepted the challenge; obviously he also had no other choice without self-effacement. Hiss's action for libel followed, and in the course of depositions at Baltimore in that proceeding Chambers added the tale of espionage.

That tale of espionage was a lurid one. The setting was Washington, D. C. Chambers was delivering, so Chambers claimed, microfilms of confidential State Department documents to Soviet agents, and Hiss, he charged, obtained the documents for him. At first, he said, they were directly microfilmed, but later to "increase production" they were copied on Hiss's typewriter at Hiss's home by Hiss's wife and microfilms were made from these copies. The copying of each document, he indicated, took place within the week of the date shown by the document. He quit when he did, he declared, because he then "broke" with the Communist Party.

CHAMBERS opened the story of espionage by producing a group of the document copies which he alleged had been typed on the Hiss machine. These copies, subsequently called the "Baltimore documents," were dated between early January and early April, 1938. On the basis of his story and these documents, the grand jury undertook its "investigation," and Hiss under oath denied all of it, insofar as any part by him or his wife was concerned. It was that denial which grounded the indictment for perjury.

If that story of espionage was true, if Hiss was really involved in it, and if he really swallowed the transparent explanation of "increasing production" for the patently needless intermediate and laborious work of typing copies of lengthy documents, only to be microfilmed as the originals had been, then the grand jury proceeding was just one entrapment erected upon another. But Hiss was a lawyer and a brilliant one — Harvard honor man, protégé of Frankfurter and secretary to Holmes;[1] and the science of typescript identification has been covered in law treatises at least as far back as John Henry Wigmore, whose works for more than half a century have been the bible on the law of evidence. It is totally inconceivable that Hiss was not fully aware of the danger of identification by typescript.

A similar element of incredibility is present on the side of Chambers himself. When as early as 1939 he voluntarily peddled the previously untold story of his participation with



Hiss in Communist activity, he was opening himself to investigation, and had he been involved in espionage the investigation could well have led to it, without any help from him, and at a time when an indictment for espionage itself could still have been obtained. Having concealed the real crime, he would have had no claim to leniency. Thus, whether one sees the story from the standpoint of Hiss, or that of Chambers, it is a crushing weight upon credulity.

WHAT was added to the first trial by the second is in character with Chambers' story. It is reminiscent of the courtroom scene in *Lightnin'*, by Winchell Smith and Frank Bacon. A witness branded as a lie the statement of another that he had driven a swarm of bees across the plains in dead of winter. The statement, of course, was not a lie but, as the play then observes, just nonsense. But in the second trial of Hiss, testimony which rises to no higher level was swallowed whole by judge and jury.

One might perhaps take a less blasphemous and more charitable view. One might perhaps treat that testimony as gilt on the lily of the prosecution. As such, however, its significance is even deeper. There was a similar situation in *Hamlet*, where statements in a play within the play were characterized: "The lady doth protest too much, methinks." The same point is more explicitly made in Ben Jonson's *Catiline's Conspiracy*: "The dignity of truth is lost with much protesting." These gems from the great minds of literature bespeak a sense not rare, but of the essence of common reason recognized down the ages of human thought. But the testimony referred to in the second trial of Hiss yields to sharper analysis. It stands condemned by accepted authority in science and in law.

Before examining that testimony and the authorities which bear upon it, it is important to observe the general structure of the evidence so that the keystone position of that testimony may be seen. The document copies allegedly typed on Hiss's machine, the Baltimore documents, were themselves necessary to proof that Hiss had lied in respect to them; for without them Chambers' testimony of Hiss's connection with them was inadequate under the applicable provisions of law. Under those provisions, it was necessary for the prosecution to furnish evidence, independent of Chambers' testimony, that Hiss was knowingly involved in the production or delivery of the Baltimore documents. It had no second witness for this purpose and therefore sought to make this proof by showing, through the documents themselves, that they were typed by Hiss or under his direction.

FOR THIS reason, and also because of Chambers' admission that he had lied in prior testimony, the documents became the *sine qua non* of the prosecution's case. Moreover, whether documents could lie or not, at least, being inanimate, they could not forget. As a result the prosecution pointed to them repeatedly as the "immutable documents."

The documents could not, however, wholly speak for themselves. In order to establish, by the documents, that they were typed by Hiss or under his direction, it was necessary for the prosecution to prove (1) that Hiss had sole control of a

[1] Current Biography, 1947.

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typewriter, (2) that the documents were typed on that machine, and (3) that such control existed at the time of the typing. Point 1 was admitted; Hiss had had a typewriter, a Woodstock pica, belonging to him in his home. Point 2 could be proved by the documents alone, by identifying the typewriting on them as typewriting done on that machine. Point 3 required evidence outside of those documents; it is the keystone issue for which the testimony added by the second trial was obtained.

AS TO point 2, the prosecution put in substantial evidence, but it contains many doubtful elements — elements which emphasize the mad hunger for conviction which made the evidence put in on point 3 possible. For that reason a brief reference to the evidence on point 2 will be helpful in getting more fully the purpose and effect of that on point 3.

For point 2, an expert in typewriting identification was required. The prosecution placed on the witness stand such an expert, a Mr. Ramos C. Feehan of the FBI, and through him sought to make a comparison of the typescript on the Baltimore documents with that on four papers referred to as the "Hiss standards," being letters and other papers admitted by Hiss to be papers typed, three of them by Mrs. Hiss, on Hiss's typewriter. One was dated in 1931 and the other three in 1936 and 1937, the latest in May of 1937. Feehan made the comparison and stated it categorically as his expert opinion that the Baltimore documents and the Hiss standards had been typed on the same machine. He was an expert and that was his opinion. If he was right, of course, the Baltimore documents had been typed on the Hiss machine.

Feehan did not base his opinion merely on the general similarity of the typescript. The Woodstock pica machines with type faces off the same set of dies numbered into the many thousands. Besides, some other makes might have used the same type faces[2]. But every typewriter, as a result of use or damage, acquires defects peculiar to itself in the form, depth or position of the type faces. Moreover, the defects undergo changes as the machine is used — new ones appear and the old ones become exaggerated or modified — so that they are representative of the particular machine at the particular time.[3] What Feehan based his opinion on was the similarity of ten characteristics in the typescript of the two sets of documents which he classified as due to such defects.

Feehan did not testify, however, that there were no differences between the typescript in the two sets of documents, including differences due to defects otherwise alike, although such differences, if clear and persistent, might be sufficient to cast doubt upon the identity of the typescript.[4] Microscopic examination and measurement, moreover, are necessary to exclude such differences.[5]

Feehan also did not attempt, as far as his testimony shows, nor was the defense at either trial permitted, to make a physical or chemical examination of the Baltimore document ink or paper, as to its kind or condition, in order to determine its age, although such a determination is a recognized technique.[6]

FEEHAN also made no attempt before the jury to compare with the Baltimore documents specimens made on a typewriter located in 1949, bearing serial number 230099, although it was physically present at the trials, in good working order, and pointed to by the prosecution as the Hiss machine. Nor did he make such a comparison with papers typed in 1948 on a machine traced to Hiss but no longer in the typist's possession. Indeed, the existence of those papers, which were collected by the FBI before either trial and retained by them, was not known until long after the trials. In view of the period elapsed in each case since the dates on the Baltimore documents, and the change which type faces undergo with use, Feehan may properly have considered No. 230099 and those undisclosed papers both irrelevant, unless the Baltimore documents were closer to them in typescript appearance than to the Hiss standards.

Again, Feehan in his testimony made no mention of any peculiarities of the typewriting attributable to the typist, although both the Hiss standards and the Baltimore documents were in substantial volume. What the prosecution did was to toss that problem, without expert testimony, into the lap of the inexpert jury. It did this in its summation, by charging certain typing errors were common to both sets of documents — this without warning, after the defense was through. In view of Wigmore, Osborn and Wharton one could not say that the FBI had slighted this important factor.[7] It would not be difficult to suspect that the FBI had made findings, but concluded that they were not helpful to the prosecution.

At best, all Feehan's testimony amounted to was that, as measured by mathematical probabilities, it was *probable* that the Hiss standards and Baltimore documents were typed on the same machine. What he said was that he had "reached the conclusion" that both sets of documents were typed on the same machine. He did not say the results were positive or certain. He did not determine the percentage of probability that he was right. *He did not say there was no reasonable doubt.*

THE DEFENSE reaction to his testimony was one of avoidance. At the first trial, it did not agree that both sets of documents were typed on the same machine, but did not cross-examine on this. At the second trial, it conceded that both sets of documents were typed on the same machine. Considering Hiss's background in the law, and his extraordinary intellect, this tells only one thing — that come what may Hiss would never himself call into question, nor allow his defense to do so, the FBI's integrity or good faith, or

[2]Wilson R. Harrison, **Suspect Documents, Their Scientific Examination**, 1958, p. 251.

[3]Ordway Hilton, **Scientific Examination of Questioned Documents**, 1956, p. 189, fn. 1.

[4]Hilton, **op. cit.**, pp. 184, 189; Jay Newton Baker, **Law of Disputed and Forged Documents**, 1955, p. 488.

[5]Baker, **op. cit.**, pp. 454-455; Albert S. Osborn, **Questioned Documents** (2d Ed.) 1929, pp. 45, 592 **et seq.**; 2 **Wharton's Criminal Evidence** (11th Ed.), 1955, pp. 1716 **et seq**; Hilton, **op. cit.**, pp. 186-187; Dwight G. McCarty, **Psychology for the Lawyer**, 1929, p. 345.

[6]John Henry Wigmore, **Principles of Judicial Proof**, 2d Ed., 1931, p. 104.

[7]Osborn, **op. cit.**, p. 584; Baker, **op. cit.**, p. 494; Hilton, **op. cit.**, pp. 195-6.

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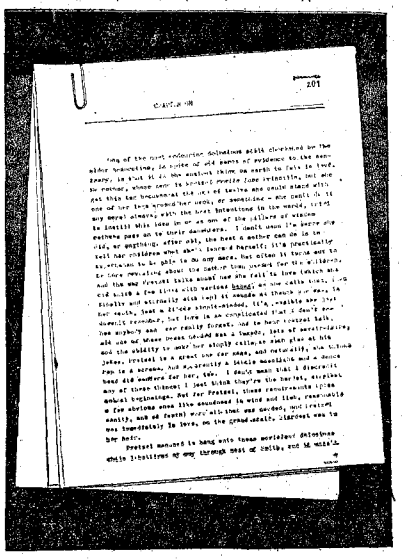
place it in the position of a partisan, or cast doubt upon its reputed fealty to justice, its reputed purpose to seek out and reveal the truth wherever the truth might lead.

This unyielding deference of Hiss to the FBI accentuated the keystone position of the testimony which was added to the first trial by the second. We come thus to point 3 in the structure of the prosecution's evidence. Assume, despite the imperfections of Feehan's testimony, that the two sets of documents were typed on the same machine. Assume also, as the court apparently did, that the age of the ink and paper, and the identity of the typist, had no substantial probative value in the case. Assume further, as the court obviously did, common sense and clear law to the contrary notwithstanding, that Chambers' testimony was sufficient to establish, *as an element of the required corroboration of his own testimony,* the period within which the Baltimore documents were typed. Assuming all those things, it was still necessary for the prosecution to show that the machine was in Hiss's possession, in his sole possession, throughout that period. This was point 3, the keystone that was lacking. This was the nexus that the prosecution sought desperately to provide in the second trial. That it succeeded as far as judge and jury were concerned, the verdict of guilty is ample proof.

THAT testimony added by the second trial was the testimony of George Norman Roulhac. Its importance is such that we shall quote it in full. By way of introduction, the Hiss residence in Washington, D. C., was, until December 29, 1937, at 1245 30th Street. On that date they moved to 3415 Volta Place. However, as shown by the leases, they had possession of the 30th Street house until February 1, 1938, and probably left there things they wanted to dispose of. The electricity was not shut off there until January 4, 1938, nor the gas until January 6, 1938.

The Hisses had a part-time maid, Mrs. Claudia (Clidi) Catlett, and Mrs. Catlett had two sons, Perry



(Pat) and Raymond (Mike), both of whom, at the end of 1937, were in their middle teens. About that time the Catletts also moved, from 1270 25th Street to 2728 P Street. The rental at the P Street house was $30 per month. The record is clear, as shown by the files of the power company, that the electricity was turned off at the 25th Street house on January 17, 1938, and on at the P Street house on the very same day. The Catlett boys testified that Mrs. Hiss gave them the typewriter in connection with her move from 30th Street to Volta Place. They also testified that the typewriter was brought directly to their P Street house. This could thus have occurred any time up to February 1, 1938, as far as the Hiss leases show. However, if the typewriter was given to them on the very day when the Hisses personally moved from 30th Street, the Catletts must have lived at the P Street house several weeks before the electricity was turned on there. This they testified was so, and that for several weeks before the electricity was turned on there they used kerosene for light.

OBVIOUSLY, if this testimony of the Catlett boys was true, the Hisses did not have possession of the typewriter during any part of the period from early January to early April, 1938, the period covered by the dates on the Baltimore documents. Indeed, even if the typewriter had been left by the Hisses at their 30th Street house after they personally moved out, and given to the Catlett boys some time in January instead, it would have been out of the Hisses' possession during the major part of the period of the Baltimore documents. The only testimony, however, which the prosecution had as to the who and where of the typing was that of Chambers, that the typing was done by Mrs. Hiss at the Hiss home. Thus, it was necessary to the prosecution's case that the typewriter not only be in the possession of the Hisses, but at their home, from early January to early April, 1938. It follows that in order to establish the nexus between Hiss and the Baltimore documents, it became necessary for the prosecution to nullify the testimony by the Catlett boys and to move the gift of the typewriter to them over to some time in April, 1938.

This was the purpose for which George Norman Roulhac, sergeant, was sought out in Alaska and brought to New York to testify at the second trial of Hiss. His testimony, verbatim from the record, was as follows:

Direct Examination by Mr. Murphy:

Q. Sergeant, did you in the late '30s live in Washington, D.C.?

A. Yes, sir.

Q. And did you ever live in a house on P Street?

A. Yes, sir.

Q. What number P Street was that?

A. 2728.

Q. Is that up in the Georgetown section of Washington?

A. Yes, sir.

Q. And prior to P Street where had you lived?

A. 25th Street NW; 32nd Street NW.

Q. When you were living at P Street do you remember when that was? What year?

A. '38.

Q. And did you sign a lease for that house?

A. Yes.

Q. And who lived there with you?

A. Clidi Catlett and her boys and Mr. and Mrs. Alice Brogan.

Q. What boys were those? Clidi Catlett's boys?

A. Yes.

Q. Perry and Raymond?

A. And Mike.

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Q. And do you remember the day when you moved in?

A. About the middle of January.

Q. I show you this lease for 2728 P Street and ask you whether that is your name as one of the people that signed the lease?

A. Yes.

Mr. Murphy: I offer that in evidence.

The Court: The date of that lease, Mr. Murphy, is what?

Mr. Murphy: Made the 17th day of January 1938. Ladies and gentlemen, this is a lease dated January 17, 1938, between Emma W. Stevens and George Roulhac for the premises 2728 P Street to commence the 18th day of January, 1938, at $30 a month, payable in advance.

Q. Now, Mr. Roulhac, did you move in, do you remember, on the 17th or 18th of January?

A. Moved in the same day we signed that lease.

Q. Same day?

A. Yes.

Q. What did you use for lighting?

A. Candles.

Q. Candles the first day or forever?

A. Just that first night. The light was turned on next day.

Q. The electricity was turned on the next day?

A. Yes.

Q. What did you cook with?

A. There was a cook stove already in the house.

Q. What do you mean by a cook stove?

A. Coal stove.

Q. And is that the means that you or Mrs. Catlett cooked the food?

A. Yes.

Q. On the coal stove?

A. Yes.

Q. How did you heat the house?

A. Had oil heat; little oil burners into the rooms.

Q. Didn't you use gas at all?

A. No.

Q. Now where had you lived immediately prior to moving into the P Street house with Mrs. Catlett and the boys on January 17, 1938?

A. On 25th Street.

Q. And did Mrs. Catlett and the boys live ever there too on 25th Street?

A. Yes.

Q. Now, Mr. Roulhac, did there come a time at all when you saw a typewriter in the P Street house?

A. About three months after we lived there.

Q. Where did you see it?

A. Out in the hallway.

Q. What kind of a typewriter was it?

A. I don't know the make of it.

Q. There is a typewriter here in evidence. Can you tell whether that is the typewriter you saw?

A. It was the same design like, but I never noticed the exact make, whether Underwood or any other kind, but that is the same design of it.

Q. You were there about three months when you first saw the typewriter?

A. Yes, sir.

Q. And were you living there every day?

A. Yes, sir.

Q. Did you see anybody use it?

A. The keys were stuck on it.

Q. Did you see anybody use it at all?

A. Oh, Patty used to bang on it and his girl friend. Sometimes I would hit it myself.

Q. Where was it kept when you saw it?

A. Out in the hallway on the washing machine.

Q. And you did not see it until three months after you moved in?

A. Yes, sir.

Q. And you were there every day and night?

A. Yes, sir.

Q. Did you inquire of either of the boys there, or Mrs. Catlett, where it came from?

A. I asked Patty—

Q. Don't tell us what he said. Did you inquire where it came from?

A. Yes.

Q. And you inquired of the boy, Pat?

A. Yes.

Cross Examination by Mr. Cross:

Q. Sergeant, how long have you been in the Army?

A. I was drafted in '41, came out after the war, and re-enlisted in 1948.

Q. You were where in 1948? Where were you stationed?

A. 1948 I left to go into the Aleutian chain in Alaska.

Q. Alaska. How long have you been back in the States?

A. I came back September the 24th.

Q. Of what year?

A. 1949.

Q. Been here ever since?

A. I was in Seattle for about ten days, and then I came back to New York.

Q. How long have you been in New York?

A. I have been at Fort Slocum since October 26.

Q. You mean you were transferred down here?

A. I came back for reassignment.

Q. When did you first see any member of the FBI?

A. In August I think it was.

Q. August what year?

A. Of '49.

Q. Where was that?

A. In Anchorage, Alaska.

Q. How many did you see up there?

A. One fellow.

Q. When is the next time you saw an FBI man?

A. I was at Fort Slocum; when I got here.

Q. When you got here. And, then, how many times have you seen FBI representatives since you have been here?

A. About three or four times I think.

Q. How many times have you been in the court building?

A. I don't know exactly how many times I have been in the court building, but about three or four times on different occasions.

Q. I beg your pardon?

A. I have been there about three or four times on different occasions.

Q. Well, when, first?

A. The 1st of November.

Q. The 1st of November. And when next?

A. December 13th.

Q. You were here when the Catletts were here, weren't you?

A. Yes.

Q. You saw them?

A. Yes.

Q. You didn't speak to them, did you?

A. Yes, I spoke to them.

Q. You did?

A. Yes.

Q. Who were you with when you saw them?

A. Who was I with?

Q. Yes.

A. I wasn't with no one in particular.

Q. Were you reporting to an FBI man that morning?

A. No.

Q. Who did you speak to?

A. Who did I speak to?

Q. Yes. Which one of the Catlett boys?

A. I spoke to Mike. I spoke to Mrs. Catlett.

Q. Now, you signed this lease. I notice there is an X down there. Do you know how that happened to be put on there, opposite your name?

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A. No, I don't.

Q. Well, do you remember where it was you signed this lease?

A. On Wisconsin Avenue, real estate office.

Q. I want to show you some pictures, Sergeant. I show you Defendant's Exhibit VVV. Do you recognize that picture?

A. Yes.

Q. What is that picture?

A. It is just 2728 P Street.

Q. The rear part of the house?

A. The rear part.

Q. Is that the rear or the front?

A. That's the front.

Q. The front. Was it in that condition in 1937, '38?

A. Flowers and weeds in the front.

Q. I show you Exhibit VVV-4 and ask you if you recognize that picture?

A. I think this is the back where the hallway—

Q. The hallway. Is that a closet there?

A. Yes, right under the steps.

Q. Closet?

A. Yes.

Q. I show you V-3. What is this picture?

A. I don't recollect this picture.

Q. I beg your pardon?

A. I don't recollect this picture. I have never seen it, to my remembrance.

Q. Let me show you V-1. What is this one?

A. This is the back.

Q. The back. Now then, I show you another one, V-2. Do you recognize that?

A. Yes, that is the back of 2728 P Street.

Q. Now where was the hallway that you say that you saw the typewriter?

A. Right here (indicating).

Q. Right where? Will you hold it up and let the jury see it?

A. This is the hallway going straight down there (indicating); the steps over to the left.

Q. Where was this den that they had?

A. The room upstairs was the den.

Q. What did they have up there?

A. Oh, all kinds of junk.

Q. What?

A. All kinds of junk.

Q. Well, for instance.

A. Baseball, gloves, bats. Pat had some old radios up there, and everything else.

Q. What did they use it for?

A. Just throw the junk in it.

Q. No, I mean the place where they held these dances.

A. The dances?

Q. Yes.

A. That wasn't in the den. That was downstairs.

Q. Oh, downstairs. Where was that with reference to the hall where you saw the typewriter?

A. That was the front room on the basement floor.

Q. And how often would they have those dances?

A. The boys would have their friends in. I don't know how often they had the dances.

Q. Well, did you attend them?

A. No.

Q. Do you know whether in Washington at the time you signed the lease the landlords were reluctant to have a woman sign a lease?

A. No, I don't know about that.

Mr. Cross: That is all.

Redirect Examination by Mr. Murphy:

Q. Sergeant, I want to ask you just about where you were at the time of the last trial. The last trial commenced on May 31st and concluded on July 8th. What part of the United States were you in at that time?

A. I left September 13, 1948, to go to Alaska. I didn't come back until September, 1949.

Q. What island were you in in the Aleutians—

A. Adak.

Q. — last June?

A. Adak, Alaska.

Q. Adak?

A. Yes.

Q. You came back here in October?

A. Yes.

Q. And you were in the war, in the Army, since 1941?

A. I got out after the war was over and re-enlisted in '48.

Q. Mr. Cross asked you about an X on the lease. Do you write?

A. Yes, sir.

Q. And back in 1938 you could write, couldn't you?

A. Yes, sir.

Q. You have been able to write since you have been to school?

A. Yes, sir.

Mr. Murphy: All right. Thank you, Sergeant.

Mr. Cross: Thank you, Sergeant.

(Witness excused.)

THE IMPORTANCE given this testimony by the prosecution is shown in their summation. After suggesting that the Catlett testimony of their using kerosene for light for several weeks was tailored to the issue, the prosecution nailed down the time of the gift of the typewriter to the Catletts as follows:

> But the sergeant says, one, we moved in there on January 17th, and here is the lease, and I didn't see the typewriter there, although I was there every day and night for about three months, later saw it in the hall.

As a summary of Roulhac's testimony this was, of course, quite accurate. Indeed, it polishes and puts in bold view the core of that testimony, the tale of three months, pulled naked out of Roulhac's memory after eleven years.

It may be well to analyze the testimony itself more closely. As an aid to that end, it should be disclosed that the Emma W. Stevens referred to in the testimony was interrogated by the writer, early in 1960, at her home, in the presence of several guests. Although in her eighties and bedridden, she revealed an extraordinary clarity of mind. She was not the owner of the properties which she leased, but the rental agent. She had only the year before, in 1959, retired from that business. She was not interrogated as to the rental to the Catletts, nor as to any other specific events, but only as to the character of the area in which the P Street house was located, the customs of her tenants, her business practices, the changes, if any, in these respects over the years, and other factors of a general nature. She stated that she rarely granted a lease, that almost always it was only a month-to-month rental agreement, and that very commonly people in the 2728 P Street class moved in without her knowledge, removed the "for rent" sign, and would be living in the house for several days or even several weeks before she obtained or received a payment of rent and a rental agreement. The date on a rental agreement meant nothing as to the date when the tenant moved in. Nor did the date when electricity was turned off at one house and on at the next, since this could hardly be done until the landlord was recognized and the rental paid. (All this in the National Capital!)

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When one looks at Roulhac's testimony, one is struck almost immediately by his extraordinary memory. The testimony was given in the latter part of 1949; the events testified to occurred in early 1938, more than eleven years before. As the testimony shows, he, instead of Mrs. Catlett, had signed the "lease," a document which the record indicates was just one of those month-to-month rental agreements, on January 17, 1938. His recollection was that he had moved in on that same day; also that he used candles "just" the first night, and that the electricity was turned on the very next day, the 18th. There was a slip there, of course, since the power company's records showed that the electricity had been turned on on the 17th. But obviously Roulhac had an intruding recollection of candles, so that it was impossible for the electricity to have been turned on and him to have moved in on the same day.

Nor was is possible for Roulhac to say that he had moved in on the 16th, for then the sole basis of his recollection that he had moved in on the 17th, the "lease," would lose its convincing force.

IT IS, of course, clear that the "lease" had been shown to him before the trial, although this was not brought out before the jury; for otherwise his flat answer, before the lease was even mentioned, that he had moved in "About the middle of January," would have been a feat of memory completely out of dreamland. Had it been an answer given independently of the "lease," then even though the "lease" had been exhibited to him first in front of the jury, in order to refresh his memory, it would have been admissible.[8] But in that case the independence of his memory might have been challenged. As it was, his answer, "About the middle of January," was brought in out of the blue, as if, without reference to any document at all, or any related and more significant event, he was able to remember that, just that, after more than eleven years.

That answer of his, moreover, would not have been necessary, the "lease" could have spoken for itself, except for the candlelight that stuck in his memory, and he was a soldier and an honest man. But the prosecution needed a peg from which to place a proper time for the gift of the typewriter, and that was it. It well foreshadows what was to follow in his testimony.

First, let us examine the peg more closely. Roulhac remembers, after more than eleven years, that he used candles "Just that first night." One might remember candles, even after eleven years, but to remember, without aid from any other fact, the *time* for which they were used — that is quite another problem. The proof is, of course, that Roulhac was wrong; the electricity was not turned on "next day," which was the 18th, but on the same day, the 17th, as the "immutable documents" of the power company showed. If he and the Catletts moved in on the 17th, therefore, they had no need for candles or kerosene at all.

THE first trial ended July 8, 1949, with a hung jury. In August, the FBI sent a man all the way to Anchorage, Alaska, to see Roulhac. Roulhac was not stationed there; he was all the way out on Adak Island in the Aleutians and had to be brought in to Anchorage for the purpose. Following the meeting there with the FBI agent, he was brought in to Fort Slocum, located at New Rochelle, a suburb of New York. There the FBI visited him three or four times more. Where they took him, or he took them, what they showed him and he showed them, did they go through the P Street house together, what questions were asked either way, what answers given, and what else was said between them — none of this appears in his testimony. It was not even asked. Roulhac was also at the court building three or four times apparently before and during the second trial, which began November 17, 1949, and lasted over two months. What discussions he had at the court building with government officers he also was not asked. Full, detailed and possibly verbatim reports on all of this unquestionably still rest peacefully in the archives of the FBI and the prosecution.

Just how Roulhac came up with one night of candles when, according to his own testimony and the power company's "immutable documents," the electricity was turned on the day he moved in may not be difficult to answer. He was obviously a forthright witness. The candlelight could not be eradicated. But the *period* for which the candles were used was not, as we shall presently show, difficult to compress in Roulhac's memory, whatever its strength and his integrity might be. This was necessary to give the candlelight an insignificance in the mind of the jury, so that the peg of the "lease," another "immutable document," as showing that Roulhac and the Catletts moved in on the 17th, would be clear and strong. The prosecution in its summation even went so far as to quote the power company as saying "January 18, 1938, electricity turned on," although that company's actual statement on both direct and cross, and based on their own "immutable documents," was that it was turned on on the 17th. This flagrantly erroneous and misleading statement by the prosecution was, of course, intruded to tie Roulhac's testimony to that of the power company. The jury would hardly notice a difference between the 17th and 18th, the prosecution apparently believed—and apparently they were right.

BUT THE difference was critical, since the "lease" became the peg for another feat of memory by Roulhac, one which dwarfs that on the period of candlelight; indeed, one which dwarfs the tale in *Lightnin'* of driving a swarm of bees across the plains in dead of winter. After getting Roulhac and the Catletts moved in on the 17th, the prosecution casually asked him, as the testimony given above shows, "Did there come a time at all when you saw a typewriter in the P Street house?" A responsive answer should simply have been "Yes." But Roulhac knew what they wanted, and he shot out, "About three months after we lived there." After just four other questions about the typewriter, the prosecution ask-

[8] Jewitt v. U. S., (C.A. 9), 15 F. 2d 955, 956.

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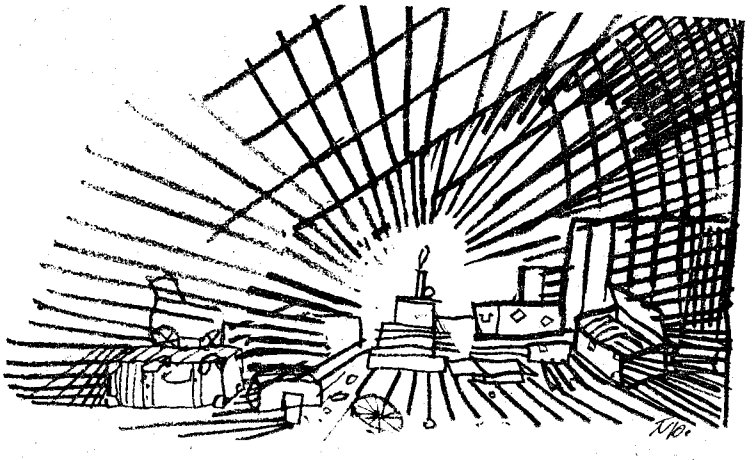
ed again, "You were there about three months when you first saw the typewriter?", and the answer came back sharply, "Yes, sir." Then to make clear that Roulhac would have seen it if it had been there before, the prosecution added, "And were you living there every day?" The answer, of course, was again, "Yes, sir." After two more other questions about the typewriter, the prosecution swung back a third time, "And you did not see it until three months after you moved in?" Again the answer was a ringing "Yes, sir." Then once more to make clear it could not have been there if he did not see it, "And you were there every day and night?" Once again came the sharp and definite answer, "Yes, sir."



ON cross-examination, the defense did not touch this testimony. Roulhac, judge and jury were thus told, was there every day and night for three months and at the end of that time he first saw a typewriter in the house. Whether it might have been where he could not see it is a minor point. After eleven years he could pick out a three-month interval, its beginning in a blur of candlelight and its end in no light at all, with not a single signpost of any kind. One does not need to turn to science or law to know that a sense of time, let alone recollection of it, depends upon its content. A month can seem a day, and a day can seem a month, even in the present. What then is the effect after eleven years! One but senses a general fact of life in Oscar Wilde's:

> And that each day is like a year,
> A year whose days are long.

Indeed, in the Hiss case itself, both prosecution and judge made light of an error of a month in Chambers' testimony involving that very three-month period. Chambers had testified that when he broke with the party, he quit taking documents from Hiss, that his break with the party occurred in the middle of April, and that he *then* took a translating job from Oxford University Press. On their motion for new trial, the defense adduced clear proof that Chambers took the translating job before March 18. The prosecution thereupon admitted "Chambers erred by approximately one month," as if that was a matter of no significance, and the trial court treated it as a harmless error. That court stated:

> The testimony Chambers gave as to the date he took the translation was an approximation of an event that had occurred some eleven years previously.

Yet if Roulhac had likewise been off just one month, if he had likewise merely overestimated the period by 50 per cent, the entire case against Hiss would have fallen!

It is pertinent, therefore, to examine the authorities, in both science and law, on the accuracy of time perception and time recollection. There are three basic principles, all now so firmly established that no challenge can be made to them. The first is that time in the abstract, without reference to content, cannot be judged at all. In this respect it is the same as distance. Look at a star and try to estimate its distance. Look at a plane far out in the sky, without knowing its size, and try to estimate its distance. Time presents the same problem. Time, naked of content, cannot be judged.

For example, a person enters a classroom, speaks certain words to the instructor and leaves. He is there for one minute. A week later the students are asked, *inter alia*, how long he was in the room. The answers may vary from two seconds to ten minutes.[9] Take a case where there is no waiting time. There is a period of three seconds, and immediate estimates are sought. The answers may vary between half a second and fifteen.[10] Numerous tests of this type have been made by scientists in the field and the results are uniform to a point of monotony. Thus it is stated by Bose:

> Space and time, entirely free from sensible content, never enter the experience of actual perception. . . . Consciousness of time cannot be separated from consciousness of change; both go together. Pure empty time cannot be actually perceived and the differences between greater time and less time can be felt only by reference to sensible content.[11]

Again, it is stated by Gross, freely cited by Wigmore:

> The only thing that experience definitely shows is that the certainty of such estimates [of time intervals in the past] depends on their being fixed by distinct events.[12]

The same fact is shown by Stevens.[13] Indeed, without reference to content, time can even be turned around. As a result, without logical relation, or some other device, the order of events cannot be remembered.[14] Thus an estimate of time, either of its length or of its direction, cannot be made without reference to content. This has been so completely established that it is basic principle in both science and law.

A second principle firmly estab-

[9]Charles Stillman Morgan, "Psychology of Memory," 8 **American Journal of Criminal Law and Criminology**, 222, 223 (1917).
[10]Hugo Munsterberg, **On the Witness Stand**, 1908, pp. 22-23.
[11]Praboth Chandra Bose, **Introduction to Juristic Psychology**, 1917, p. 249.
[12]Hans Gross, **Criminal Psychology** (Trns.), 1911, p. 384. See the comment on Gross in Wigmore, **op. cit.**, p. 385.
[13]S. S. Stevens, Ed., **Handbook of Experimental Psychology**, 1951, pp. 1229, 1231, 1235.
[14]F. C. Bartlett, **Remembering**, 1932, p. 30.

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lished is that recollection of an event, or date of an event, or order of events or time relation between events, depends inversely upon the time elapsed since the event or events occurred.[15] For events removed by more than two years, accuracy has been found to average less than 20 per cent.[16]

Directly related to this point is the third basic principle, that no accuracy of recollection of a date is possible at all without the aid of some device, some factor, in the event to be remembered or an event related to it, which is meaningful and important to the particular witness.[17] Thus it is stated by Wigmore, dean of all writers on evidence:

> . . . it is safer to believe a witness when he can demonstrate some intensely influential event which was contemporaneous with the situation under discussion, and which reminds him of that situation. . . .[18]

Moreover, if the date of an event recalled is in question, and that date is to be established by reference to another event, the date of that other event must be one which can be clearly proved. The point is stated in *Corpus Juris Secundum* as follows:

> The date of a transaction may and should be fixed by associating it with other circumstances of public and unquestioned notoriety, or with credible written documents, or with other facts occurring at a time clearly proved.[19]

Thus recollection of a date requires some aid, some device, which by characterization or relation can pin it down. Without that it is not entitled to credence.

WHAT have we then to support Roulhac's statement, hammered out of him and drummed into the minds of the jury by tense and ominous repetition, that three months after he moved in—and he was there, he said, every day and every night of those *three* months—that after that precise period, carved as by a torch out of the empty dark of more than eleven years before, he saw for the *first* time, a typewriter in the house? There is just nothing to support it. It is naked fantasy. Yet the prosecution in its summation fondled it before the jury as something real. A soldier said it and judge and jury swallowed it whole.

This was all that the second trial added to the first. This is what changed the result from a jury in disagreement to a jury of a single mind, guilt. A period of three months, the beginning compressed into a single night, a night which the evidence clearly established could not exist, and an ending with no signpost at all, not even one built for the occasion. Had there been a signpost at the end the prosecution would unquestionably have brought it out. They worked so hard on the one at the beginning, against the candlelight which clung stubbornly to Roulhac's memory, that they compressed it out of existence.

The principles shown in relation to memory have an added element of significance in the Hiss case because the statute of limitations on the real charge, espionage, was evaded by staging a hearing on the alleged acts and then charging perjury when they were denied. The object of statutes of limitation is to prevent "claims from springing up at great distances of time and surprising the parties or their representatives when . . . the facts have become obscure from the lapse of time. . . ."[20] Thus the evasion of the statute of limitations in the Hiss case emphasizes the deliberate and comprehensive character of the plan in the course of which the story of one night and three months was evolved.

Just how that story was formed in Roulhac's mind is quite another matter. Perhaps the prosecution knew. Perhaps, on the other hand, it did not. The task of the prosecution is to convict, of course; only the naive would say it is to seek and apply the truth. Still the prosecution is not often given to the manufacture of fairy tales, although in its eagerness for victory it might seize upon one already told. But somewhere in the government vaults there are reports on all of the meetings with Roulhac before the trial, showing how the fairy tale grew in his memory, retroactively by suggestion, as every good attorney well knows and science has established it can be done.[21]

HAD THE *Jencks* case[22] been decided as it was before, instead of eight years after, the Hiss case, defense counsel might well have demanded those reports. That case, decided by the Supreme Court in 1957, held that the accused had a right to compare the government witness' testimony with his prior statements shown in government intra-office reports. The Court then, however, was the so-called "Warren" Court. Had the *Jencks* case come up for decision in 1949, when the Supreme Court was differently composed, it might well have been decided the other way and the Hiss defense might have called for the intra-office reports on Roulhac in vain.

Moreover, such reports might not be limited to the executive department of the government. It was the legislative branch which was most interested in the case, for its own purposes, and truth and justice are not always an aid to ambition. Every myth has its genesis. Somewhere a record is gathering dust, and someone was ambitious.

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[15]Alfred Kuraner, **The Consistency of Testimonial Accuracy**, 1931, pp. 408-409; Elon H. Moore, **29 Ore. Law Rev.** 161, 170 (1950); Robert A. Redmount, "The Psychological Basis of Evidence Practices: Memory", **50 Journal of Criminal Law, Criminology and Political Science** 249 (1959); Robert Hutchins and Donald Schlesinger, **41 Harv. Law Review** 860; Harold Ernest Burtt, **Legal Psychology**, 1931, p. 83; M. Ralph Brown, **Legal Psychology**, pp. 88-89; Wigmore, **op. cit.**, p. 153; Dillard S. Gardner, "The Perception and Memory of Witnesses", **18 Cornell Law Review** 391; **Pierce-Smith Converter Co. v. United Verde Copper Co.**; 298 F. 763, 764 (D.C., Del. 1924); 98 C.J.S. 330, sec. 462; Arthur Jersild, "Primacy, Recency, Frequency, Vividness", **12 Journal of Experimental Psychology** 58 (1929); D. Ewen Cameron, **Remembering**, p. 99 (1947).

[16]Moore, **op. cit.**, p. 170.

[17]Gross, **op. cit.**, p. 384; Redmount, **op. cit.**, p. 260; Waters and Leeper, "The Relation of Affective Tone to the Retention of Experiences of Daily Life", 18 **Journal of Experimental Psychology** 203 (1936); **15 Encyclopedia Britannica**, 1959, pp. 233-235.

[18]John Henry Wigmore, **The Science of Judicial Proof**, 3d Ed., 1937, p. 505, sec. 238. See also Garry C. Myers, "A Study in Incidental Memory", **26 Archives of Psychology** 98 (1913).

[19]**32 C.J.S.** 1067-1068, sec. 1029, citing cases.

[20]**53 C.J.S.** 902-3, citing a long string of cases.

[21]Brown, **op. cit.**, pp. 90-91. It is not suggested that those reports covered only the meetings with Roulhac. They might well show how other prosecution witnesses in the case, such as those who identified Chambers as a person known to them under other names, were enabled to bridge the wide gulf of eleven years. See Wigmore, **op. cit.**, sec. 250, p. 532 et seq., and 25 Ill. Law Review (1931) 550; also Edwin M. Borchard, **Convicting the Innocent** (1932).

[22]**Jencks v. United States**, 353 U.S. 657, 77 S. Ct. 1007.

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BOOKS and the ARTS

Native Talent and Trade Practice

THE DENATURED NOVEL. By Albert Van Nostrand. Bobbs-Merrill Co. 224 pp. $3.50.

Emile Capouya

ART is important. The novel is an important branch of art. These are Albert Van Nostrand's basic assumptions, and the class of readers most likely to be attracted to his book will almost certainly agree with them. It is to an initially friendly audience, then, that the author addresses his interesting and irritating observations.

Mr. Van Nostrand contends that the commercial conditions of the book trade have shaped the content and style of American fiction from early times to the present. Now, there needs no ghost, come from the grave, to tell us that the market has had *some* influence in *some* direction. But the assertion gains point when the author goes on to say that the influence has been uniformly pernicious, and that it has been decisive. In short, American novels are as bad as they are because of the way in which publishers acquire books, manufacture them physically and offer them for sale. And Mr. Van Nostrand reminds us that there can be no mistake about the quality of most commercially successful novels. He is engaged in a kind of literary muckraking, and he knows that such an enterprise is useful in proportion as it is painful. Accordingly, he does not spare our feelings, but analyzes and comments on a great many recent best-sellers that it would normally be uncharitable even to name.

AT this point, the author is in a strategic position. As he himself says roundly in a preliminary note, "The idea of the denatured novel encompasses both literary theory and economic cause." If there is in fact a genuine connection between our economics and our literary practice, if the degradation of our literature has come about for the reasons he offers, his book must be significant. And if his theory should fall short of the truth, it must be interesting to see wherein and why.

His first chapter argues that American novels have always been on trial for their lives, the issue being whether they improved or debauched public morals. Mr. Van Nostrand cites a long list of apologetic prefaces to nineteenth-century novels — the apologists include Cooper, Hawthorne and Bellamy — and he interprets those essays as attempts to provide fiction with a safe-conduct through hostile country. Even in the twentieth century, he tells us, when only censors, police chiefs and like vermin see any connection between literature and salvation, the novel is still examined for signs of heterodoxy. The result has been the progressive denaturing of the popular novel, that is, the simplifying of complex moral issues as presented in our fiction to the point where (I translate freely) every novel is a humorless allegory of the struggle between the forces of atheism and the forces of Rotary.

The argument is extended and refined in Chapter II, "How to Denature a Novel." Here the author attempts a definition that is basic to his position and to which he recurs throughout the book: ". . . The substance of all narrative fiction is the metaphor of conflict. The novel's particularity is its appraisal of character by a various repetition of conflict." And he adds a careful codicil to the effect that the manner in which conflict is resolved makes the difference between good fiction and bad. A merciful easing of tensions by the easiest road is the method of the pot-boiler; in the work of art, the pattern of conflict develops into "a resonant system of analogies." Finally, we are told that "The book trade has always encouraged the stylization of the novel, the thinning out of analogous conflicts to get on with the story." The full charge, then, is that in this country the popular novel has always had to masquerade as something edifying, that the conflicts it embodies do not generally elect to resound, and that it is encouraged to soar with leaden wing by the open and tacit pressures of the market.

THUS FAR the true bill, and now to make the case. Chapter III gives an ingenious account of the operations of a mythical trade publisher, no less essentially accurate for being slanderous. Indeed, the head of a great publishing house has been reported as saying that Chapter III "made him shudder" — whether with disgust or contrition deponent sayeth not. Mr. Van Nostrand has really done remarkably well in catching the flavor of the publisher's dilemma, trying to turn an honest penny under the minatory gaze of the gods of the copybook maxims. The proof of his grasp of the workings of a trade house is that an insider finds his account only very slightly wrong. He sufficiently establishes that bad books drive out good — at least during periods of time of the order that is measurable in fiscal years. His contention that publishers are not in contact with readers but only with booksellers, or at best with book-buyers, is valid. His conclusion, that public taste cannot influence the publisher, may be less so.

Mr. Van Nostrand's next three chapters deal with the effect on the novel of magazines, movies and cheap paperback reprints. His discussion of the short stories, novelettes and serialized novels that fill the popular magazines demonstrates that denatured fiction is the mainstay of the business. The movie versions of novels carry the denaturing process still further because of the limitations of the medium and the presumed innocence of the mass audience. Then the cheap paperback reprints contribute to the confusion of standards by advertising each novel to be a duplicate of some well-known predecessor. The author's documentation of all this is extensive, and depressing beyond words.

Since, in the twentieth century, business and war are the great American specialties, we have two large classes of novels that undertake to inform us about our favorite pursuits. In two successive chapters, Mr. Van Nostrand discusses the flood of business and war novels that has followed John P. Marquand's *Point of No Return* and Norman Mailer's *The Naked and the Dead*. For Marquand's book he has a certain limited respect, and he damns Mailer's by implication only. Nevertheless, we are told that both novelists are caught in a tradition deriving from literary naturalism, a school whose working hypothesis was "that the individual man was a small and limited creature, determined by heredity or by the social or economic forces of his environment." Thus, the novels inspired by *Point of No Return* accept the helplessness of the individual in the business world, but demonstrate that the business world is ultimately benevolent in its workings. The war novels that followed *The Naked and the Dead*, on the other hand, merely docu-

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ment the irrelevance of the individual will in the clash of armies and empires. Such prepossessions make bad fiction; what is worse, successive novels of business or of war caricature the leading principles of their predecessors and eliminate all saving complication because authors and publishers are after easy brand-image recognition.

In a final chapter, Mr. Van Nostrand argues that Hemingway's aesthetic principles are mistaken, and that if pursued to their logical conclusion they resolve themselves into the pretensions of John O'Hara and the fatuities of Paul Bowles. This is a state of affairs much to the liking of publishers, he adds, because moral pretense serves to justify fiction in the eyes of Mrs. Grundy, while airy nothing offends no one. In the face of this contumacy on the part of publishers, the author nevertheless recommends a course of action to them, in these terms:

> Although the publisher has become a frightened man, he still has a few vestiges of editorial authority. . . . Now, as ever, his individual decision of whether to publish a given book, or how to publish it, many times repeated, defines the quality of the literature. Literature may be no concern of the publisher, but it *is* his business. It so happens that the individuality of a book serves both literature and business. If the publisher can convince his marketers that the peculiar difference of every book is its most salable quality, there might yet be a revolution in the book trade which would give the reader his just deserts.

I have tried to present the salient arguments and conclusions of a book that is bound to be significant, win or lose, for its utterly convincing picture of a depressed popular art. What are those arguments and conclusions worth in themselves? It seems to me that the basis of Mr. Van Nostrand's reasoning is unsound at every major point, while his ultimate prescription is, on his own showing, pathetic.

Mr. Van Nostrand has been incautious. He has allowed the fate of his book to hang upon the validity of a number of doubtful assertions that would have done well enough as by-blows of exposition, but which he has seen fit to insist upon as first principles, and from which he derives his conclusions. One such is his definition of the novel as incarnating a metaphor of conflict. The use of such a definition is that we may apply it with elegance and precision to a given case, and draw an appropriate conclusion. Suppose we were to Nostandize more in the fashion of the day, and assert that the novel embodies a metaphor of *adjustment*. Would we spoil the case presented in *The Denatured Novel* by singing falsetto to the author's bass? Not a bit of it. The same conclusions could be drawn, with equal justice, and the same ingenious amplifications added — moral resonances and all. After all this, one suspects that Occam's razor would give Mr. Van Nostrand's theory a close shave, if it did not slay it alive.

Again, the author makes a particular point of the fact that the novel labors under an imputation of vanity and idleness in this country — or did during the nineteenth century. But surely he is aware that the novel in Britain, France, Italy and Germany was the object of exactly the same suspicion during the period when it competed for attention with works of piety, and that the progressive secularization of European thought at last relieved fiction of that onus, exactly as it has done in our own country, and with the very same lingering traces of the old prejudice still discernible. On these grounds, how explain the fact that British novels show a lower proportion of tripe, or that contemporary French novels almost without exception show a seriousness of conception and a finish of execution to which one turns in relief from Mr. Van Nostrand's catalogue of our own misbegotten creations?

If Mr. Van Nostrand's aesthetics is inadequate, his metaphysics is shallow. Just what is his quarrel with naturalism and determinism? Does he really believe that Zola wrote bad novels, on a false theory? Whatever the status of that theory (and we may recall that Zola derived it in part from his study of a literary masterpiece, the Goncourts' *Germinie Lacerteux*), the plain truth is that he wrote magnificent novels, full of life and passion, and not to be named in the same day with the pitiful simulacra Mr. Van Nostrand justly deplores. The great literary archetype of determinism is the Book of Job, in which man's complete subjection to universal forces is at once literary theory, theme and demonstration. "Call now, if there be any that will answer thee; and to which of the saints wilt thou turn?" It does not appear that the author of Job was hampered by the failings of his literary theory. But then, he had genius.

So, in his own measure, has Mr. Hemingway. The fact that his hero is "the man to whom things happen" may well be a legacy of literary naturalism. But to make him on that account the source and head of John O'Hara's later foolishness (for, say what you will, *Appointment in Samarra* is a small but very creditable work), let alone Paul Bowles's vacuousness, is to make Abraham Lincoln responsible for the latest Republican hack who takes his name in vain.

The suggestion that the nature of the novel's intimate structure—compromised by American hypocrisy, misled by false

Lament for an Anger Unexpressed

The American flag
was whipping suddenly
outside the school window—
and it started me up
from my laborious
grade-averaging:
there in the office
I sat—surrounded
by the various fools:
all were there,
on my last day:
inanities of secretaries,
officious oily teachers,
overweening parents,
the figurehead principal,
all of them busy and senseless,
oh, to whom I'd not bowed
nor scraped, but to whom
I'd not spoken
one harsh word either—
but like the smiler
of Blake's poison tree
walked around smiling,
smiling modestly.

RICHARD I. MAYES

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metaphysical and aesthetic notions, turned into a mass-produced article by publishers, and traduced by paperback reprinters — renders it peculiarly likely to proliferate the literary garbage consumed by American readers, simply does not get down to basic issues. Two things are obvious: The public is willing to buy bad books, and very few good ones are being written — this in a nation of 180,000,000. By simple statistical deduction, innate talent is probably as common among us as it has ever been among any people in any age — and the potential educability of the mass audience is the same as it was in ancient Athens, where the entire population, including women and slaves, made holiday at a performance of Aeschylus. If, in our time, popular taste is debased, if genius is conspicuous by its absence, it can only be because we make no effort to cultivate either. As a nation we are simply not interested in art. That amounts to saying that as a nation we have been badly educated, and need to be sent to school again.

A genuine literary culture requires three terms — a good audience, good artists and, in a commercial system, a set of intelligent middlemen. In the absence of the first two elements, publishers have certainly not made themselves the heroes of the occasion. Still, one scarcely copes with the problem by attributing our sterility to the inadequacies of our procurement and marketing methods.

The fact that we are preoccupied exclusively with commerce, technology and war reduces the artist to two alternative roles. First, he can be society's paid entertainer. If he elects that role, he comes to look upon society as a tired-businessman-at-large, requiring to be amused and distracted so that he may return with renewed vigor to his real interests. Or, if the artist happens not to be good at parlor tricks, or is not in sympathy with tired businessmen, he can retreat into solipsism, write unintelligibly, paint nightmares and otherwise wear a badge of disaffection. There is almost no middle ground between these two choices; it is hardly conceivable that a man of authentic genius in our own day can find himself fully in accord with the purposes of our society, and dedicate his art to articulating and celebrating those purposes — the formula for Greek drama, or great art anywhere. In order to have great novels rather than denatured ones, we should have to transform ourselves into a society capable of evoking assent from its brightest spirits. Calling on publishers to puff the idiosyncracies rather than the uniformities of their shoddy wares will not accomplish that transformation. Is it possible that so sensitive and intelligent a man as the author of *The Denatured Novel* does not understand this point? The likelihood is that Mr. Van Nostrand understands it very well, but is too modest to set up for a revolutionary.

Architect of American Thought

LOUIS SULLIVAN AS HE LIVED: The Shaping of American Architecture. By Willard Connely. Horizon Press. 322 pp. $6.50.

Sherman Paul

LOUIS SULLIVAN was not only a great architect, one of the triumvirate that includes H. H. Richardson and Frank Lloyd Wright, he was also a penman for modern building and an architect of American thought. For him architecture was "not an art, but a religion, and that religion but a part of democracy." In his writing he did not speak primarily to architects, but, as he said, to the "laity." And all of his writing — *Kindergarten Chats*, "Natural Thinking," *Democracy: A Man Search, The Autobiography of An Idea* and *A System of Architectural Ornament According with a Philosophy of Man's Powers* — fulfills the claim he first made for *Kindergarten Chats*: it tests architecture by human nature and democracy.

In *Genius and the Mobocracy*, that Sullivanesque book on Sullivan (and Frank Lloyd Wright), Wright said of architects: "Expect [of them] a system of philosophy and ethics. . . ." More than any other American architect, Sullivan worked on such a system and cogently developed it; for the very forces in American life that led to his solution of the tall office building prompted him to become a social critic and educator. In his hands his famous architectural maxim — Form Follows Function — became a tool of social analysis; and if he placed too much blame for the betrayal of an indigenous architecture on the World's Columbian Exposition, we can now see that it was because he saw in the imperial façade social forces it could neither glorify nor hide. The most eminent architect of the nineteenth-century Chicago School, he was also a critic who deserves a place in the galaxy of Debs, Darrow, Jane Addams, Dewey, H. D. Lloyd and Veblen. Inspired by Whitman and a student of history, psychology and sociology, Sullivan brought forward the "organic" tradition. No one in our literature more thoroughly assimilated the "organic" idea — the "supremacy of interior order," as Wright put it — to democracy. No one, not even Whitman, was a more determined enemy of "Feudalism."

WHEN Sullivan wrote Claude Bragdon that "what my heart yearns for now is justice, and a sympathetic interpretation of that which I have loved, and for which I have lived," he had in mind what we must now consider his total achievement. Sullivan scholarship is slim, and the most notable work, that of Hugh Morrison, is almost entirely devoted to his architecture. The clue to further study, however, was provided by Ray Ginger in *Altgeld's America*, where Sullivan was first properly placed as a social thinker. One expected, accordingly, that Mr. Connely's book on how Sullivan lived would probe more deeply into the heady intellectual milieu of the Chicago Renaissance. The materials are abundant, and even Sullivan, who often overlooked his intellectual debts in his writings, left ample evidence of his development.

Unfortunately, Mr. Connely's book is popular biography. It does not do justice to the architecture, the writings, or the man. It is valuable for new disclosures, but their significance is often missed. It is ill-proportioned and theatrical; bravura effects add a questionable color to Sullivan's life. One's total impression of a book so close to vulgarization and superficiality is one of distrust.

And yet everything Mr. Connely tells us is true — if not quite right. We are grateful to him, for example, for revising the Sullivan chronology. He has established the length of Sullivan's stay in Paris, a brief term at the Beaux Arts. But he has not seen its meaning for the *Autobiography*, where Sullivan extended his stay and lengthened the narrative of his brilliant achievement, probably to match or surpass Mrs. van Rensselaer's glowing account of Richardson's apprenticeship there. Nor has he used this new material, in connection with the healthy masculine camaraderie at

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Lotus Place on the Calumet River, to discredit Wright's repeated slur concerning the bad habits "Lieber Meister" acquired in Paris. In fact, he prefers to follow Wright's lead. His account of Sullivan's unhappy marriage is insensitive; he merely alludes to a relationship with the wife of a professor at the University of Chicago; and, in describing the years of decline, he overworks Wright's reference to the little henna-haired milliner who offered companionship, if not color, to the sick and lonely man in the shabby Warner Hotel.

Mr. Connely's most welcome discovery is the notebook Sullivan kept from the time he entered M.I.T. in 1872, until 1881, when he became the partner of Dankmar Adler. This notebook is valuable not so much for the athletic records of the young men at Lotus Place, which Mr. Connely exploits, as it is for the record of Sullivan's reading and intellectual apprenticeship to the architect, John Edelmann. Sullivan paid tribute to Edelmann in the *Autobiography*, but he was irritatingly vague about the people whose influence had been formative. We now learn that the ebullient Edelmann set out courses of reading, answered questions on ornament and native art, and first employed Sullivan as the decorator of the Moody Tabernacle and the Sinai Temple. And this relationship, repeated with Sullivan as the teacher when young Frank Lloyd Wright began to work for him, was probably the inspiration for the educational situation Sullivan used so effectively in *Kindergarten Chats*. Here, moreover, was the seed which Wright, perhaps with a backward glance at Richardson's *atelier*, developed into an institution at Taliesin.

MR. CONNELY has not been as fortunate in finding materials for other portions of Sullivan's life. He overdoes Sullivan's artistic debt to his mother (did he have in mind a parallel with Wright?), missing the fact that Sullivan impugned the notion of heredity. He carries beyond fruitfulness the broken relationship of Sullivan and his brother Albert, who might have been more interesting as a typical railroad executive of the time than as an athlete. When he lacks information he relies on the *Autobiography*; when he has information (much of it, in Northrup Frye's phrase, the "history of rumor") he repudiates Sullivan's record and what might be read between the lines.

Heedless of Sullivan's dictum that every problem provides its own solution, Mr. Connely misconstrues the problem and fails the solution. For the problem was not one of retelling Sullivan's life with such slender means, but of re-creating Sullivan in the arduous task of re-creating his age. Then the Sullivan who related in the *Autobiography* that "Daniel Burnham [his rival] was obsessed by the feudal idea of power [and] Louis Sullivan was equally obsessed with the beneficent idea of Democratic power" would stand forth in his largest significance. And we would know something more of how he lived from the line Sullivan added: "Daniel chose the easier way, Louis the harder."

Evidence and Justice

EVIDENCE OF GUILT. By John McArthur Maguire. Little, Brown & Co. 295 pp. $12.50.

David L. Bazelon

IN THE trial of a criminal case in the federal courts and, to a lesser extent, in the courts of the various states, there are several recurring evidentiary problems:

¶ To what extent may the accused be compelled to incriminate himself?

¶ To what extent may his involuntary admissions, once he is in the toils of the law, be used against him?

¶ If, after his arrest, there is undue delay in bringing him before a committing magistrate, to what extent may the prosecution use against him evidence obtained from him, directly or indirectly, during that period of undue delay?

¶ To what extent may the prosecution use against the accused evidence that has been obtained illegally?

¶ As a subdivision of the last question, to what extent may the prosecution use against the accused intercepted communications?

Too long, in the law, these questions have been treated by many commentators and, alas, many judges, merely as problems in the validity of evidence. The basic principle in the law of evidence is that matters casting substantial light on the proposition being tried are to be received in evidence, while those that are insufficiently reliable are to be rejected. Under that principle, confessions extracted by torture are uniformly rejected on the theory that the accused, being motivated by a desire to avoid pain rather than by a free desire to unburden the soul, may not have told the truth. But, if the confession was made voluntarily, there is no reason to discredit it, even though the accused may have been in illegal detention when he made it. Under evidence principles, therefore, voluntary confessions made during illegal detention should be received; and, despite the effect of the Supreme Court's decisions in the *McNabb* case in 1943 and the *Mallory* case in 1957, they have been and, too often, still are being received.

Similarly, evidence seized in an illegal police raid, when it bears all the earmarks of reliability, should not, under evidence principles, be excluded. The exclusion of such evidence in federal trials is frankly based, not upon the law of evidence, but rather upon a policy of deterring police illegality. In the last half century since this salutary policy has prevailed in the federal courts, many, but not most, of the state courts have begun to follow it.

THUS, lumping these various questions into the law of evidence often makes for faulty analysis. The criticism of the Supreme Court's *McNabb-Mallory* rule usually takes the form of a charge that the rule bars from evidence confessions which, being voluntary, are reliable and that it therefore unjustifiably impairs police efficiency. In the book here under review, Professor Maguire replies to such criticism:

> Police efficiency is not everything; individual dignity must be weighed against it; and besides a habit of detention at unauthorized pleasure of the police may encourage dilatory, slovenly performance of duty.

The classicists of evidence law would find this observation irrelevant. To them the important thing would be that the confession tends reliably to prove the accused's guilt. That the police had been guilty of misconduct would be left out of consideration as having no bearing on the reliability of the proof. For example, Dean Wigmore, the giant of American evidence law, never ceased to quarrel with the Supreme Court's 1914 *Weeks* decision that evidence obtained in violation of the search and seizure clause of the Fourth Amendment to the Constitution may not be received. He found it the acme of illogic that, when two individuals have committed offenses — the accused against a criminal statute and the policeman against the Fourth Amendment, they should both go free. The illegally seized evidence, he thought, should be used to convict the accused;

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whether the policeman should suffer any consequences from his offense against the Constitution should be left, according to Wigmore, to a separate proceeding. That convictions of policemen for such offenses would be rarer than the dodo bird seems not to have concerned him.

The impressive scholarship compressed into Professor Maguire's short book is too obvious to require comment. The chief merit of the book, in the opinion of this reviewer, is that, by presenting the five questions listed above as a separate subject, freed from the matrix of the law of evidence where they have long been embedded, he has opened them to examination in the light of all the socio-psychological factors, not only the one cold factor of logical relevance. He treats the questions as what they are: protective rules shielding the individual against oppression generated by the power of government.

Festivals in Europe

Martin Bernheimer

A GERMAN cartoon sums up the trend. An operatic flunky is depicted revealing his brainstorm to the impresario: "If we only extend the season, double the prices, and put a few potted plants in front of the box office, we could have a festival!"

There was a time when a music festival was something special, a series of unusual performances of unusual works in an unusual atmosphere and setting. But the idea has spread and the ideals have been obscured. As the festivals have risen in number, they have sunk in standard. Commercialism, the jet-age, and the artistic compromises have taken their toll.

It was once considered a singular honor to participate in a major festival. The supposed standard was so high that only the musical elite appeared in Salzburg or Bayreuth. This has changed, for while the number of festivals has grown, there has been no parallel increase of great singers and instrumentalists. Therefore, either the same artists commute between numerous festival cities, or second-raters are employed. The former solution overtaxes the artist and robs the festivals of their individuality; the latter is no solution at all.

YET positive features remain, especially for the American music lover who has few comparable offerings in the United States. The varying purposes and characters of the major festivals indicate the advantages. The relatively new (three years old) Festival of Two Worlds in Spoleto, for instance, takes over a tiny hilltop town outside Rome each summer to present new works and dust off old ones with fresh talent from both continents. Darmstadt's Vacation Courses for New Music (they purposely avoid the label "festival") attract the most *avant-garde* of the ultra-modern composers and their cliques. The works of Richard Wagner are reproduced by his grandsons at the composer's own theatre in Bayreuth. The Munich Festival relies upon its regular opera repertory with the accent on favorite sons, and engages guests to glamorize the cast lists. The Salzburg Festival performs a similar service for the Vienna Opera and Mozart. Music, drama and art are given equal representation in Edinburgh, the festival with the most variety. A music-hungry American who knows what he wants to hear and who will take the trouble to investigate in advance can avoid most of the perils of festival trotting. For the European, however, the justification is more obscure, because many festivals are merely elaborate condensations of the fare that is available to him all year round.

New and unfamiliar works give the festivals their primary artistic distinction. While conservative organizations like the Metropolitan Opera and the New York Philharmonic limit themselves to a meager sampling of novelties, the European centers give a number of premières every summer. The quality may fluctuate, but this is less important than the fact that contemporaries are given a chance. This summer saw Hans Werner Henze's new *Prince of Homburg* at Spoleto (the première had taken place the preceding month in Hamburg), the first stage performance of Frank Martin's scenic oratorio *The Mystery of the Nativity* in Salzburg, and several dozen new pieces at the festivals devoted exclusively to musical experiments — Cologne and Darmstadt.

The list of revivals is equally impressive. Strauss' delightful autobiographical opera *Intermezzo* and Orff's erotic trilogy *Trionfi*, for instance, were given at this year's Munich Festival. Neither work has ever been staged in the United States. Edinburgh offered Busoni's *Arlecchino*, Wolf-Ferrari's *Secret of Susanne*, Poulenc's *La Voix Humaine* and Bellini's *Puritani*, all works of either historic importance, or aesthetic value, or both. We may use the Metropolitan to measure the significance of such offerings: *Arlecchino* and *La Voix* have never been performed there; Susanne's secret (she smokes) was last divulged at the Met thirty-eight years ago, and the last *Puritani* was staged four years earlier.

Almost as novel as the European repertory is the European style of production. American opera companies seem approximately a quarter-century behind the times in stage technique. While even the newest productions at the Met retain flat, literally painted scenery and outmoded theatrical realism, the Germans have perfected abstract staging. Desiring to evoke an atmosphere rather than a specific locale, producers reduce props and decorations to a minimum and rely more upon slide projection and simple symbolism for impact. Leading the field in revolutionary *mise en scène* are the Wagner grandsons in Bayreuth. Wieland Wagner's *Parsifal* and *Flying Dutchman* are particularly successful.

Even the Bayreuth experiments, however, are not invariably definitive. This year's new *Ring*, the product of Wolfgang Wagner, suffered from mechanical breakdowns, indifferent music-making, and visual concepts that compromised between Wieland's ideas, Wolfgang's modifications and tradition. But, successful or not, Wagner in Bayreuth is seldom boring. Would that the same could be said for Wagner in New York, where the actual quality of the music is often higher.

The standard repertory too is often re-evaluated at the summer festivals. At Spoleto, for instance, Gian Carlo Menotti stripped *La Bohème* of most of the clichés and misconceptions tacked on to it by tradition. Although the production was thoroughly conventional in style, there were enough innovations in characterization and motivation to make one reluctant to return to the sloppy *Bohèmes* customary in the States.

Similar revitalization is done to much of the German repertory in Munich, but one must not assume that all festival performances are restudied produc-

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tions. Some of the Munich offerings fail to rise above the everyday routine. The Munich *Falstaff* imported an international star (Dietrich Fischer-Dieskau) but surrounded him with a mediocre cast and physical production. The same company's *Don Giovanni* was even less impressive. Performed in a German translation by a decidedly non-international cast, it had little festival justification.

No American opera house has sightlines and acoustics as ideal as those of the Bayreuth Festspielhaus. An ugly exterior and uncomfortable seats are a small price to pay for these advantages. And for small-scale works, the Europeans have intimate theatres that also are without American equal. Munich visitors can hear Strauss' *Ariadne auf Naxos* or Mozart's *Abduction from the Seraglio* in the rebuilt Baroque Residenz Theater which seats a scant 400; the less atmospheric Landestheater in Salzburg seats fewer than 800 and makes a suitable home for Mozart's *Cosi fan Tutte*.

Such a scheme is valuable when the city in question has a larger house for grander works. The Prinzregententheater in Munich and the sprawling new Festspielhaus in Salzburg exist for this purpose. But festival housing of opera is not always logical. This summer four works were done at Salzburg's old Festspielhaus, a medium-size theatre with notoriously bad auditorium conditions; Edinburgh makes use of small, ugly, ill-equipped houses that are seldom appropriate to the work presented, and never appropriate to the festive atmosphere. Although the three-week Edinburgh Festival is an enormous catalyst for tourist trade, the city is reluctant to finance the much-needed new theatre.

THE festivals are a boon to hotel owners, taxi drivers, travel agents, ticket scalpers and merchants of all kinds — especially those dealing in local specialties. The greatest amount of culture hawking takes place in Salzburg and Bayreuth, relatively small towns given temporary eminence by the festival. Spoleto, of comparable size, has so far not followed suit. The larger cities, Edinburgh and Munich, still manage to maintain a non-festive character in some quarters.

The tourists who flock to any city advertising a festival are not necessarily musical connoisseurs. There is a good deal of snobbism attached to festival going, and the ill-timed, misjudged applause is often as indicative of musical ignorance, as are the intermission comments. Only those festivals that have a limited purpose attract a specific audience. Bayreuth devotees are usually knowledgeable about Wagner, although the opening night always attracts Germany's political and industrial bigwigs, both on cultural good behavior.

The international audience that listens to and participates in the experiments of Darmstadt is also well informed. Visitors there are not interested in glamour or vacation comforts; instead they enjoy the eccentricities — perhaps "cultism" is a better word — attached to the assorted squeaks, gurgles and electronic buzzes that comprise the new music. Here one finds mostly young people: students and would-be students, beats and would-be beats.

Festival sampling is an expensive diversion — with the fringe industries profiting perhaps more than the festival producers themselves — but the values are still real for the tourist who remembers to beware the blandishments of that curious language known as brochure English.

ART

Fairfield Porter

FOR ITS second "Young America" exhibition, the Whitney Museum has chosen thirty painters under thirty-six. It is meant to encourage promising artists who have already achieved something, but whose work is on the whole unfamiliar to the general public; therefore the collection excludes some well-known artists who qualify by their age. The exhibition continues in New York until October 30; then it goes to the Baltimore Museum (Nov. 16 to Jan. 1), to the Contemporary Arts Center in Cincinnati (Jan. 16 to Feb. 22), to the City Art Museum of St. Louis (March 8 to April 15), and finally to the Columbus Gallery of Fine Arts (May 1 to June 5).

These painters, according to their published statements in the catalogue, are concerned with sincerity, reality and essence. The "magic realists," who combine recognizable detail into an imaginary assembly such as exists in dreams, put sincerity ahead. The non-objective painters, who are in the majority, usually paint as they do because they find realism an evasion of the deepest reality. They make a coherence out of almost chaotic variety, the unity being in the consistency of texture, as for Sonia Gechtoff. But it is so also for Wolf Kahn, who considers himself a kind of Impressionist, for whom the impression is

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as it were generalized, the common impression of all subjects.

BECAUSE it is not possible to describe the work of so many painters in a short review, I will limit myself to a few who are not typical.

In the present favorable atmosphere toward art it is possible for painters to mature early. A painter in his twenties may have known only encouragement. In this exhibition, the two youngest, Joan Brown and William Thomas Wiley, are twenty-one and twenty-two. Both non-objective, they have an uninhibitedly fluent stroke and more than enough energy to cover areas five feet square or larger. Even good older artists do not always meet the challenge of so much space. Brown and Wiley use their vigor to present emotional images that one vaguely remembers having seen before.

Two non-objective painters concerned with mystery are Ron Gorchov and George Ortman. The shapes of Gorchov's paintings look like altar furnishings symbolic of Old Testament ritual, used for magical suggestions. The color refers to general things like blood, wine, plaster, velvet, paint; and at first sight there is something musty and unfree about the deliberation evident in his calculated looseness of edge and texture. But at second sight one sees a form underlying the surface form of a loose hand and quick apperception of some current style. George Ortman's magic is mathematical. The difference shows in the titles: Gorchov's *Fifth Vision of Queen Vaidehi* or *Chaldean Instruments*; Ortman's *Games of Chance* or *Moving Target*. Ortman's red, blue and green circular, triangular and square shapes are cut out and symetrically arranged like the pattern of colored blocks before they are unpacked. *Moving Target* is like a pre-school child's first jig-saw puzzle. Gorchov sentimentalizes discarded beliefs and the mystery of what is in fact unknowable — someone else's vision. Ortman's magic inheres in ordinary experience on a shared level. Gorchov leaves the everyday world for the world of mystery; Ortman takes for granted that mystery lies everywhere outside of geometry. Since his symbols attach to a world where belief has no necessary place, it has not been discarded. Gorchov's mystery is for thrills, Ortman's outside the nature of things. As a scientific explanation tells the how of things, and makes no attempt to come to terms with the why, so Ortman leaves the why beyond knowledge, a mystery all the more absolute for being denied. What is denied is very close, right beyond the clear and immediate limits of materiality. Gorchov blurs material and immaterial, which makes his mystery only entertaining. By separation, Ortman idealizes the material, and the immaterial either does not exist, or exists where we can never approach it, though we know exactly where it begins. Gorchov is like a spiritualist who believes in ghosts that knock on tables; Ortman could only believe in a spiritual world so magnificently strange that for practical purposes it does not exist at all.

ALEX KATZ is a "realist," meaning that you recognize every detail in his paintings, and the whole too, though the whole takes precedence and the detail may be only an area of color, in short, abstract. *Ten O'clock* is an interior toward the morning sun streaming through the tall window beside which sits a tiny figure on a couch. The other furniture of the room is displaced a little in the sunbeam. But the light is not light for light's sake, but for color's sake, and even more for the painting's sake. The parallelogram of sun on the floor, for all its brightness, hardly darkens the shadowy quadrilateral of wall, sofa and abstract whatever. Though the woman is recognizable by her features, the details of her features are part of the construction, and contribute, like all the details, to the whole, and all this without distortion or any other affectation. The colors and shapes which are necessary expressions of each other, make, without losing any part of their individuality, even in the flattest simplification, an integral space, the manifestation of an integral spiritual whole. And so the artist in no way requires any of the usual explanations that reality is to be found here or there. He does not need to say that the deepest reality is in visual experience, or in the paint medium as the medium for nature, or in communication, or emotion, or the image, or in art as aesthetics — the ivory tower. Katz uses all of these things, and he uses nothing too much — appearance, colors of pigments, geometry, anything you can name. He leaves out nothing that pertains to the nature of painting in favor of emphasis on one part. He includes a better understanding of what color and color-plus-tone do than any of his contemporaries, and just as good a knowledge of how paint goes across the canvas, and just as sensitive a feeling for nature as the most ambitious Californian non-objectivist. He is not overwhelmed by nature but stands outside it; it is outside him and includes his subjectivity. His vocabulary of colors is one in which between one color and another there is just enough space, or interval, because they are accurately chosen. This is like the space in an accurate sentence between nouns and verbs, between words and their modifiers. His opaque colors point like prepositions, definitely; or if there is ambiguity, it is the ambiguity of alternatives, a fixed and usable paradox.

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The cheetah levels at one far deer
rejecting all others in his charge,
connecting toward the chosen throat
—a dedicated follower.

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such a fateful diagram:
bisecting all the irrelevant world
—one launched look and its afterward.

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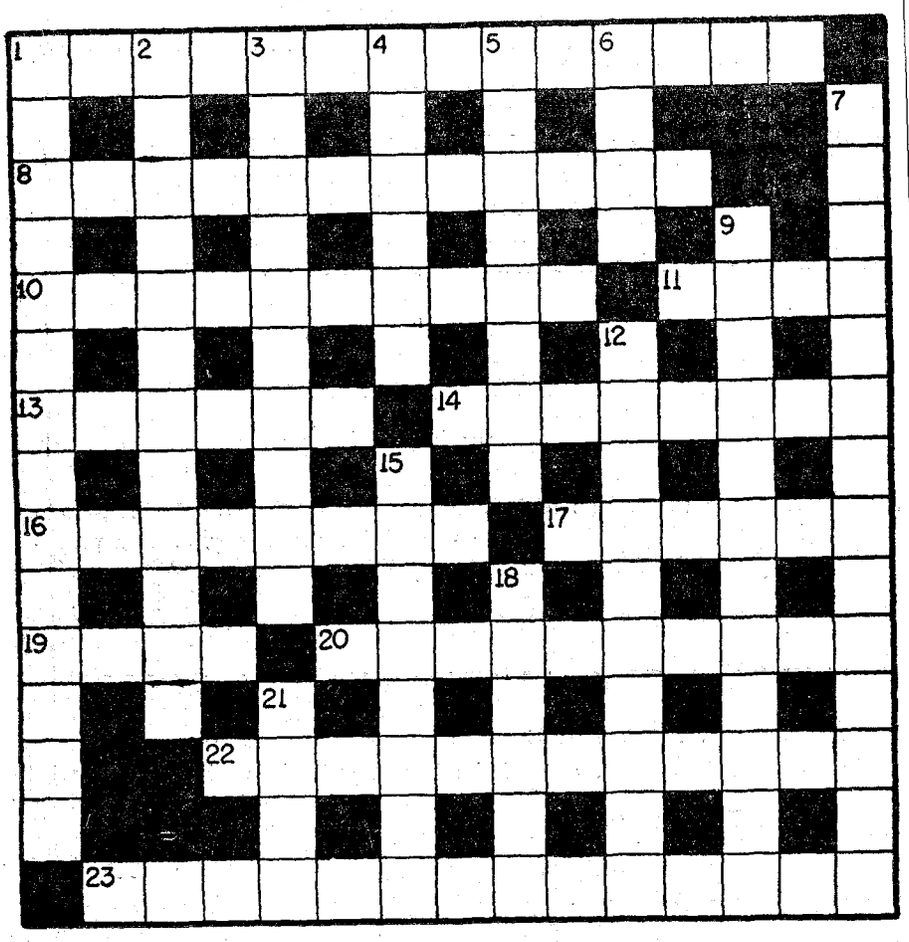
Crossword Puzzle No. 883

By FRANK W. LEWIS



ACROSS:

1 and 16 The corn-borer's progress is easily forgotten. (2, 3, 3, 3, 3, 3, 5)
8 Can't one comic at least make a better accompaniment? (12)
10 Like a cream-filled pastry? (10)
11 Is well adapted to old divisions of a poem. (4)
13 One of them comes in old style on the stage. (6)
14 More like three villains in the silent days. (8)
16 See 1 across
17 Star, if found silent? (6)
19 It goes on a string, to criticize the sound of it. (4)
20 Not where the big-shots sit when incapacitated. (5, 5)
22 Certainly not a short-cut. (4, 8)
23 You too, by the sound of it, might have been engaged in this. (14)

DOWN:

1 Certainly not in the manner of a proverbial jewel. (14)
2 It makes a bad prince seem on all-around terms. (12)
3 An untamed lion lets me get these to soothe me, perhaps. (10)
4 If Antony had a Latin-American address, it might have started thus. (6)
5 They learn almost all of it with lightning speed, according to Prof. Higgins. (8)
6 Cut weed. (4)
7 Talking about St. Andrew's, perhaps? (5-9)
9 Depreciation of the 6:50, if I and Tom get a charge out of it. (12)
12 Legal medium of exchange containing a sly reference to England and Sweden, for example. (10)
15 His profession is taken as a matter of course. (3, 5)
18 These twins seem rather bright. (6)
21 An explorer for game? (4)

SOLUTION TO PUZZLE NO. 882

ACROSS: 1 and 10 Piledriver; 4 At wit's end; 9 Miscreant; 11 Alabaster; 12 Erato; 13 Beanstalks; 17 Substitute; 22 Odorously; 23 Alarm; 24 Sugarcane; 25 Satirists; 26 Steam. DOWN: 1 Pampas; 2 Lascar; 3 Dorcas; 4 Apartment houses; 5 Watering troughs; 6 Torments; 7 Enviable; 8 Dormouse; 14 Used cars; 15 Abundant; 16 Streamer; 18 and 21 Morris dance; 19 Estate; 20 Lyceum.

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